

VOLUME 296

NOVEMBER 1954

82
CUL-1404572-126-P015385
THE ANNALS,

of The American Academy of Political
and Social Science

THORSTEN SELLIN, *Editor*

RICHARD D. LAMBERT, *Assistant Editor*

126

391
006



THE FUTURE OF THE
UNITED NATIONS
ISSUES OF CHARTER REVISION

Edited by

PHILIP E. JACOB, Ph.D.

Professor of Political Science, University of Pennsylvania

Copyright 1954, by

THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE

All rights reserved

PHILADELPHIA

1954

P16385

17C
000.

Issued bimonthly by The American Academy of Political and Social Science at Prince and Lemon Sts., Lancaster, Pennsylvania.

Editorial and Business Offices, 3937 Chestnut Street, Philadelphia 4, Pennsylvania.

CONTENTS

	PAGE
FOREWORD	vii
HOW THE UNITED NATIONS CHARTER HAS DEVELOPED	<i>Francis O. Wilcox</i> 1
RE-EVALUATING THE SCOPE OF UNITED NATIONS FUNCTIONS	
THE PEACE AND SECURITY FUNCTIONS	
STRENGTHENING THE UNITED NATIONS	<i>Carlos P. Romulo</i> 14
LIMITS TO THE POWERS OF THE UNITED NATIONS	<i>Raymond Aron</i> 20
DEVELOPING THE PEACEFUL SETTLEMENT FUNCTIONS OF THE UNITED NATIONS	<i>Elmore Jackson</i> 27
THE WELFARE FUNCTIONS	
BARRIERS TO THE EXPANSION OF UNITED NATIONS ECONOMIC FUNCTIONS	<i>Raymond F. Mikesell</i> 36
PROTECTING THE RIGHTS OF MAN	
HUMAN RIGHTS AND CHARTER REVISION	<i>Quincy Wright</i> 46
INTERNATIONAL RESPONSIBILITY FOR NON-SELF-GOVERNING PEOPLES	<i>Sergio Armando Frazão</i> 56
YARDSTICKS FOR UNITED NATIONS ACTION	
THE YARDSTICK OF INTERNATIONAL LAW	<i>Clyde Eagleton</i> 68
THE YARDSTICK OF NATIONAL INTEREST	<i>Hans J. Morgenthau</i> 77
THE YARDSTICK OF COLLECTIVE INTEREST	<i>Aleš Bebler</i> 85
PROBLEMS OF UNITED NATIONS ORGANIZATION	
EXPANDING THE UNITED NATIONS COMMUNITY: ANALYSIS AND PROPOSITION	<i>R. W. Van Wagenen</i> 93
Comments by <i>Heinrich von Brentano, Clement Davies, Rajeshwar Dayal, R. W. G. Mackay, Lester B. Pearson, and You Chan Yang</i>	97
IMPROVING THE POLICY-MAKING PROCESSES: ANALYSIS AND PROPOSITION	<i>H. Field Haviland, Jr.</i> 106
Comments by <i>Lawrence S. Finkelstein, G. A. Lincoln, Louis B. Sohn, and Kenneth Younger</i>	110
INTERNATIONAL CONTROL OF ARMAMENTS: ANALYSIS AND PROPOSITION	<i>David F. Cavers</i> 117
Comments by <i>Grenville Clark, Benjamin V. Cohen, W. Sterling Cole, and Percy C. Spender</i>	124
STRENGTHENING THE SECRETARIAT: ANALYSIS AND PROPOSITION	<i>Waldo Chamberlin</i> 131
Comments by <i>W. Friedmann, Awni Khalidi, Jacob Robinson, and Wallace S. Scyre</i>	134
PROSPECTS OF REVISION	
THE RISKS OF REVISION: APPRAISAL OF UNITED NATIONS PREPARATIONS FOR CHARTER REVIEW	<i>Salah el dine Tarazi</i> 140
SOVIET POLICY TOWARD REVISION	147
UNITED STATES PLANNING FOR CHARTER REVIEW	<i>David McKendree Key</i> 151
THE SENATE AND THE REVIEW OF THE UNITED NATIONS CHARTER	<i>Alexander Wiley</i> 156

BOOK DEPARTMENT

	PAGE
ADUARD, BARON E. J. LEWE VAN. <i>Japan From Surrender to Peace.</i> Albert E. Kane	223
ANGUS, H. F. <i>Canada and the Far East, 1940-1953.</i> Murray G. Lawson	206
BARCLAY, GEORGE W. <i>Colonial Development and Population in Taiwan.</i> Warren S. Thompson	218
BARNES, WILLIAM WRIGHT. <i>The Southern Baptist Convention, 1845-1953.</i> Ira De A. Reid	197
BEALE, HOWARD K. (Ed.). <i>Charles A. Beard: An Appraisal by Eric F. Goldman, and Others.</i> Robert E. Spiller	173
BERGER, MONROE, THEODORE ABEL, and CHARLES H. PAGE (Eds.). <i>Freedom and Control in Modern Society.</i> Morton A. Kaplan	185
BLACKHAM, H. J. <i>The Human Tradition.</i> Louis William Norris	200
BLUM, JOHN MORTON. <i>The Republican Roosevelt.</i> Arthur S. Link	174
BOWLES, CHESTER. <i>Ambassador's Report.</i> Robert I. Crane	206
BRADSHAW, MARION J. <i>Free Churches and Christian Unity: A Critical View of the Ecumenical Movement and the World Council of Churches.</i> William W. Sweet	195
BRANDT, KARL. In Collaboration with Otto Schiller, and Franz Ahlgrimm. <i>Management of Agriculture and Food in the German-Occupied and Other Areas of Fortress Europe.</i> Wilfred Malenbaum	211
BUCKLEY, WILLIAM F., JR., and L. BRENT BOZELL. <i>McCarthy and His Enemies.</i> John Sparkman	169
BUDENZ, LOUIS F. <i>The Techniques of Communism.</i> Anthony T. Bouscaren	173
CAMPBELL, ALEXANDER. <i>The Heart of Africa.</i> William O. Brown	215
CAMPBELL, ANGUS, GERALD GURIN, and WARREN E. MILLER. <i>The Voter Decides.</i> Dayton D. McKean	171
CATTON, BRUCE. <i>U. S. Grant and the American Military Tradition.</i> Wood Gray	177
CLARK, GRENVILLE, and LOUIS B. SOHN. <i>Peace Through Disarmament and Charter Revision.</i> Philip E. Jacob	163
DANDEKAR, V. M., and KUMUDINI DANDEKER. <i>Survey of Fertility and Mortality in Poona District.</i> Judith Blake	191
DAVID, PAUL T. MALCOLM MOOS, and RALPH M. GOLDMAN (Eds.). <i>Presidential Nominating Politics in 1952.</i> Vols. I-IV. Wilfred E. Binkley	170
DAVIDSON, BASIL, and ADENEKAN ADENMOLA (Eds.). <i>The New West Africa: Problems of Independence.</i> Peter C. W. Gutkind	215
DEARING, CHARLES L. <i>Industrial Pensions</i> Gordon S. Watkins	183
EATON, CLEMENT. <i>A History of the Southern Confederacy.</i> David M. Potter	176
FRIEDMANN, EUGENE A., and ROBERT J. HAVIGHURST. <i>The Meaning of Work and Retirement.</i> Clark Tibbitts	188
GIPSON, LAWRENCE HENRY. <i>The Great War for the Empire: The Culmination, 1760-1763</i> T. Walter Wallbank	203
GOGUEL, MAURICE. <i>The Birth of Christianity.</i> Erich Dinkler	197
GOULDNER, ALVIN W. <i>Patterns of Industrial Bureaucracy</i> Goodwin Watson	180
GRANICK, DAVID. <i>Management of the Industrial Firm in the USSR.</i> Holland Hunter	207
GRÉGOIRE, ROGER. <i>La Fonction Publique.</i> Johannes Mattern	213

	PAGE
GROSS, BERTRAM, and WILFRED LUMER. <i>The Hard Money Crusade</i> . M. Bronfenbrenner	178
GUINS, GEORGE C. <i>Soviet Law and Soviet Society</i> . John N. Hazard	208
HALLGARTEN, GEORGE W. F. <i>Why Dictators? The Cause and Forms of Tyrannical Rule Since 600 B. C.</i> Peter H. Odegard	201
HALLOWELL, JOHN. <i>The Moral Foundation of Democracy</i> . Ernest S. Griffith	200
HAMMER, ELLEN J. <i>The Struggle for Indochina</i> . William B. Dunn	220
HANDLIN, OSCAR, ARTHUR MEIER SCHLESINGER, SAMUEL ELIOT MORISON, FREDERICK MERK, ARTHUR MEIER SCHLESINGER, JR., and PAUL HERMAN BUCK. <i>Harvard Guide to American History</i> . Sidney I. Pomerantz	169
HOWELL, TREVOR H. <i>Our Advancing Years: An Essay on Modern Problems of Old Age</i> . Dorothea Ramsey	189
HOWLETT, DUNCAN. <i>Man Against the Church: The Struggle to Free Man's Religious Spirit</i> . Leo Pfeffer	193
HOYT, ELIZABETH E., MARGARET G. REID, JOSEPH L. MCCONNELL, and JANET M. HOOKS. <i>American Income and Its Use</i> . Wilbert E. Moore	181
HUGHES, PHILIP. <i>The Reformation in England</i> . Vol. II: <i>Religio Depopulata</i> . Mildred Campbell	203
HYMAN, HAROLD MELVIN. <i>Era of the Oath</i> . T. Harry Williams	176
JENKINS, SHIRLEY. <i>American Economic Policy Toward the Philippines</i> . Grayson Kirk	167
JENSEN, VERNON H. <i>Nonferrous Metals Industry Unionism, 1932-1954</i> . Herbert J. Lahne	182
JONES, LAWRENCE A., and DAVID DURAND. <i>Mortgage Lending Experience in Agriculture</i> . Naomi Riches	181
KÁLLAY, NICHOLAS. <i>Hungarian Premier</i> . Wayne S. Vucinich	208
KIMPEL, BEN. <i>The Symbols of Religious Faith</i> . Wilson D. Wallis	198
KOHN, HANS (Ed.). <i>German History: Some New German Views</i> . Louis L. Snyder	209
LEOPOLD, RICHARD W. <i>Elihu Root and the Conservative Tradition</i> . Kenneth W. Héchler	175
LINEBARGER, PAUL M. A., DJANG CHU, and ARDATH W. BURKS. <i>Far Eastern Governments and Politics: China and Japan</i> . Werner Levi	220
LINKE, LILO. <i>Ecuador: A Country of Contrasts</i> . Frank Tannenbaum	217
LOGAN, RAYFORD W. <i>The Negro in American Life and Thought</i> . Roi Ottley	186
LONGRIGG, STEPHEN HEMSLEY. <i>Oil in the Middle East</i> . Douglas D. Crary	218
MCCORMICK, MARY J. <i>Diagnostic Casework in the Thomistic Pattern</i> . Arthur P. Miles	193
MCGRAW, PEG, and WALTER MCGRAW. <i>Assignment: Prison Riots</i> . Harry Elmer Barnes	190
MCNEILL, WILLIAM HARDY. <i>America, Britain, and Russia: Their Co-operation and Conflict, 1941-1946</i> . A. O. Sarkissian	168
MÉTRAUX, RHODA, and MARGARET MEAD. <i>Themes in French Culture</i> . Edgar S. Furniss, Jr.	214
MIKESELL, RAYMOND F. <i>Foreign Exchange in the Postwar World</i> . Arthur Leon Horniker	166
MUNK, ARTHUR W. <i>A Way of Survival</i> . Martin B. Travis, Jr.	202

	PAGE
MURRAY CLYDE E., MARX G. BOWENS, and RUSSELL HOGREFE (Eds.). <i>Group Work in Community Life</i> . W. I. Newstetter	192
NU, THAKIN. <i>Burma Under the Japanese</i> . Edited by J. S. Furnivall. Herbert Passin	221
OSBORNE, HAROLD. <i>Bolivia: A Land Divided</i> . Frank Tannenbaum	217
OXNAM, G. BROMLEY. <i>I Protest</i> . Ralph L. Roy	194
PADOVER, SAUL K., with the collaboration of FRANÇOIS GOGUEL, LOUIS ROSENSTOCK-FRANCK, and ERIC WEIL. <i>French Institutions: Values and Politics</i> . Edgar S. Furniss, Jr.	214
PANIKKAR, K. M. <i>Asia and Western Dominance</i> . Woodbridge Bingham	219
PENDLE, GEORGE. <i>Paraguay: A Riverside Nation</i> . Frank Tannenbaum	217
PETERSON, EDWARD NORMAN. <i>Hjalmar Schacht, For and Against Hitler</i> . Kenyon E. Poole	210
RITCHESON, CHARLES R. <i>British Politics and the American Revolution</i> . Max Beloff	205
ROOSE, KENNETH D. <i>The Economics of Recession and Revival: An Interpretation of 1937-38</i> . K. E. Boulding	178
ROSE, ARNOLD M. <i>Theory and Method in the Social Sciences</i> . Joseph B. Casagrande	185
ROSENBERG, STUART E. <i>The Jewish Community in Rochester, 1843-1925</i> . Solomon Grayzel	188
SAENGER, GERHART. <i>The Social Psychology of Prejudice</i> . George E. Simpson	187
SHUSTER, GEORGE N. <i>Religion Behind the Iron Curtain</i> . N. S. Timasheff	196
SMITH, D. MACK. <i>Cavour and Garibaldi, 1860</i> . Garland Downum	212
STEVENS, DAVID H. <i>The Changing Humanities</i> . Whitney J. Oates	199
SUNDBORG, GEORGE. <i>Hail Columbia: The Thirty-Year Struggle for Grand Coulee Dam</i> . Morris Llewellyn Cooke	180
TAYLOR, HENRY C., and ANNE DEWEES TAYLOR. <i>The Story of Agricultural Economics in the United States, 1840-1932</i> . H. C. M. Case	184
THORP, WILLARD L. <i>Trade, Aid, or What?</i> Irving B. Kravis	166
TINLEY, J. M. <i>South African Food and Agriculture in World War II</i> . Edwin S. Munger	216
TURNER-HIGH, HARRY HOLBERT. <i>Château-Gérard: The Life and Times of A Walloon Village</i> . Felix Oppenheim	213
UPTHEGROVE, CAMPBELL L. <i>Empire by Mandate</i> . Vernon J. Puryear	204
WARNE, J. D. <i>N.A.T.O. and Its Prospects</i> . Alfred J. Hotz	164
WILDES, HARRY EMERSON. <i>Typhoon in Tokyo: The Occupation and Its Aftermath</i> . Harold S. Quigley	222
WORMSER, RENÉ. <i>The Myth of the Good and Bad Nations</i> . James Burnham	165
ZELLER, BELLE (Ed.). <i>American State Legislatures</i> . Roy V. Peel	172
LETTERS TO THE EDITOR	223
OTHER BOOKS	224
INDEX	228

The articles appearing in THE ANNALS are indexed in the *Readers' Guide to Periodical Literature* and the *Industrial Arts Index*.

FOREWORD

This volume of *THE ANNALS* is concerned with the future direction of United Nations development and in particular with the basic issues which must be confronted as the time approaches for a comprehensive reappraisal of the Charter.

Although the question of subjecting the Charter of the United Nations to formal review will not be decided until the General Assembly holds its tenth session in the autumn of 1955, intensive study and discussion are already under way by the major governments concerned, by the Secretariat, and by private organizations and scholars. Vigorous debate in the Sixth Committee of the General Assembly during the fall of 1953 preceded adoption of a resolution instructing the Secretary-General to compile the full documentation of the San Francisco Conference and to prepare a "repertory" of the practices of United Nations organs. A special subcommittee of the United States Senate Committee on Foreign Relations has been examining the problems connected with a review of the Charter and assessing the attitudes of the American public toward possible revisions. In France, a special commission has been appointed to conduct a similar study. Active policy preparation is also under way, of course, in the executive departments of most of the Member States. Among private efforts, the Brookings Institution is undertaking a most thorough study of the Charter's evolution and implementation. The boldest proposal for actual revision of the Charter is a detailed redraft advanced by Mr. Grenville Clark and Professor Louis Sohn which would transform the United Nations into a supranational authority.

As compared with these essentially technical studies, the present volume focuses attention on some of the broad problems of policy which lie behind the review of specific Charter provisions and shows the principal lines of approach being taken towards them by responsible statesmen and scholars. What is the proper scope of United Nations functions? By what yardsticks does—or should—the United Nations determine its actions? How inclusive should the United Nations community become and what are the most appropriate procedures for reaching decisions within such an organization? How can it be adapted to implement the control of arms under conditions of atomic technology? What are the necessary conditions of an effective Secretariat? The articles and comments which follow, as they come to grips with these questions, evaluate the probable effects of Charter revision upon the future potentialities of the United Nations in its manifold tasks.

In the first part, "Re-evaluating the Scope of United Nations Functions," the question is directly faced as to the Organization's intrinsic capacity to fulfill the tasks to which it has been committed. Two of the authors urge that the present provisions of the Charter can be so sharpened as to strengthen substantially the authority of the Organization, especially as an instrument for the maintenance of security and as a guarantor of the rights of non-self-governing peoples. Two others conclude, however, that the effectiveness of the U.N. in the settlement of disputes and in the promotion of respect for human rights does not demand changes in the Charter, but depends rather on improving the climate of international relations and fully utilizing the possibilities for action within the present framework of the Organization. A third approach is skeptical as to the potential value of the

United Nations—with or without Charter revision—and suggests that there are strict practical limits to its initiative both in security and in economic matters. This third point of view was to have been challenged by one of the principal leaders in the development and expansion of the economic and social welfare functions of the United Nations. At the last minute, unforeseen circumstances prevented the preparation of the article; the omission of an adequate presentation of recommendations to extend this phase of United Nations activities is much regretted.

In the second part, "Yardsticks for United Nations Action," three contrasting views are expressed concerning the adequacy of the Charter in defining the proper criteria by which U.N. actions should be governed. The failure of the Charter to lay down clear legal standards has left most United Nations decisions to be determined by political considerations, based on national interest. But it is pointed out that in the give and take of policy formulation purely self-centered national interest has tended to yield to a broader concept of collective interest, or at least to an acceptance of compromise in the interest of longer-run national objectives. The issue then joined is whether the formal confirmation of frankly political—but *international*—yardsticks through Charter revision would strengthen the over-all impact of the United Nations or would instead nip a budding sense of community interest among the members of the Organization.

In the third part, "Problems of United Nations Organization," specific proposals for the solution of four key problems are evaluated by panels of commentators who have closely observed, or themselves participated in, the day-to-day operations of the Organization. An initial position paper was prepared on each problem and circulated to the panels as a springboard for their critiques. The members of the panels were deliberately chosen to bring out essential differences of view or emphasis, and the editor has been gratified by the willingness of all the participants to respond so carefully under the pressures of time and limitations of space placed upon them.

The current preparations for Charter review in the United Nations and the United States and the present policy orientations of the Soviet and American governments on this issue are set forth in the last part, "Prospects of Revision." The risks—and some of the positive potentialities—in attempting to remodel the United Nations are thereby sharpened, and the prospects for revision weighed against the anxiety to leave well enough alone.

A wide range of personal views and a broad representation of the countries belonging to the United Nations, as well as of some of the nonmembers, characterize the contributors. Authors and commentators of fifteen nationalities are included. Most of them have had direct personal experience in or with the United Nations—as representatives of their governments to U.N. organs, members of the Secretariat, consultants, or observers. Two of the authors have been President of the General Assembly. Six have headed their country's delegation to the United Nations. Three are currently their nation's Ambassador to the United States. The chairman of the United States Senate Committee on Foreign Relations, the Assistant Secretary of State for International Organization Affairs, the Deputy Foreign Minister of Yugoslavia, and the Secretary of State for External Affairs of Canada have, despite heavy official commitments, made a most significant contribution to the volume.

PHILIP E. JACOB

How the United Nations Charter Has Developed*

By FRANCIS O. WILCOX

IN some respects the Charter of the United Nations is much like the Constitution of the United States. Both are written in form and both would be classified by political scientists as fairly "rigid" in character because they contain rather difficult amendment procedures. The Charter, like the Constitution, was designed to lay a broad base for an institution which might develop to meet changing needs. And the Charter, like the Constitution, has proven flexible enough to be adapted to many new situations without the need for formal amendment.

It is important to keep this fact in mind when the problem of Charter revision is under consideration. In the eight years of U.N. existence not a single formal amendment has even so much as reached the final voting stage in the General Assembly. Even so, many far-reaching changes have taken place within the U.N. system. Some important articles of the Charter have already fallen into disuse. Others have been applied in a way that the San Francisco drafters did not contemplate.

We are by no means examining the Charter that was drafted in San Francisco in 1945. We are examining the Charter of 1954 as it has been amplified by custom and usage, resolutions of the various U.N. organs, and treaties, like the Atlantic Pact, which are consistent with the Charter and have a heavy impact on the U.N. system. If we should proceed now to consider

amendments to the old Charter rather than the new, it would be much like a surgeon planning a major operation on the basis of a diagnosis made nine years ago.

The purpose of this paper is to examine briefly the growth of the United Nations Charter. First it reviews the provisions of the Charter relating to the formal amending process. Then it surveys the informal means by which the Charter has developed since 1945.¹

¹ On this question of Charter amendment and Charter growth see the following: L. M. Goodrich and E. Hambro, *Charter of the United Nations: Commentary and Documents* (second and revised ed.; Boston, 1949), Chap. XVIII; Hans Kelsen, *The Law of the United Nations* (New York, 1950), pp. 816-24; A. Vandenbosch and W. N. Hogan, *The United Nations: Background, Organization, Functions, Activities* (New York, 1952), Chap. XX; S. Engel, "The Changing Charter of the United Nations," in *The Year Book of World Affairs* (New York, 1953), pp. 71-101; E. P. Chase, *The United Nations in Action* (New York, 1950), Chap. XVIII; E. Gross, "Revising the Charter: Is It Possible? Is It Wise?" *Foreign Affairs*, January 1954. See also U. S. Senate Committee on Foreign Relations, *Review of the United Nations Charter: A Collection of Documents* (Senate Document No. 87, 1954); *Report to the President on the Results of the San Francisco Conference* (Department of State Publication 2349, June 26, 1945), Chap. XVIII; N. L. Hill, *International Organization* (New York, 1952), Chap. XVII; S. Engel, "De facto Revision of the Charter of the United Nations," *Journal of Politics*, February 1952; H. Shawcross, "The Constitutional Structure of the United Nations," *Nebraska Law Review*, November 1950; N. de M. Bentwich and A. Martin, *A Commentary on the Charter of the United Nations, . . . With an Appendix on the Developments of the Charter Between May 1949 and March 1951* (London, 1951); *Yearbook of the United Nations*, New York, 1946-47, 1947-48, 1948-49, 1950, and 1951;

* This article is based on a staff study prepared by the author for the Subcommittee on the United Nations Charter, created pursuant to Senate Resolutions 126 and 193, Eighty-third Congress.

FORMAL AMENDMENTS TO THE CHARTER

At the San Francisco Conference two different methods of amending the Charter were finally agreed upon. The ordinary procedure is set forth in Article 108.

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 108 thus outlines two distinct steps that are to be followed in the normal amending process: (1) adoption of the proposal by a two-thirds vote of the General Assembly; and (2) ratification by two-thirds of the members of the United Nations, including the permanent members of the Security Council. Four important points should be noted in connection with these steps.

1. Proposed amendments may be adopted by the General Assembly without any action on the part of the Security Council. In the initial stages, at least, the will of a majority of two-thirds of the members prevails. No single state or small group of states can prevent an amendment from being approved and sent on to the member nations for further consideration and possible ratification.

2. Article 108 reiterates the predominant position of the great powers in the

U.N. The requirement that amendments must be ratified by two-thirds of the U.N. members, including the five permanent members, simply means that no amendment can become effective if it meets with the disapproval of any of the permanent members. By failing to take positive action on an amendment adopted by the General Assembly any one of the five great powers can prevent its entry into force even though it may be ratified by all the other members of the United Nations.

3. Once an amendment receives the required number of ratifications, including those of the five permanent members, it becomes effective with respect to all members, even those who voted against it or failed to ratify it. This is an interesting example of the impact of the Charter upon the traditional concept of state sovereignty. For, apart from the permanent members, the entire membership of the U.N. has committed itself in advance to accept any new obligations that Charter changes might bring in their wake.

4. It should also be noted that amendments must be ratified by Member States "in accordance with their respective constitutional processes." While this proviso is a bow in the direction of popular government, it is not altogether clear what practical effect it has. In a few countries the chief executive, acting on his own authority under the constitution, would have power to approve amendments. In most states, however, positive action by the legislative branch would be called for.

In one sense, even with the great power veto, the amending process set forth in the charter is a comparatively liberal one. Many multilateral treaties cannot be amended without the consent of all the signatories. The North Atlantic Treaty is a good case in point. No change, however slight, in the text of that agreement could be accom-

C. Eagleton and R. N. Swift (Eds.), *Annual Review of United Nations Affairs*, New York, 1949, 1950, 1951, and 1952; A. H. Feller, *United Nations and World Community*, Boston, 1952; H. Morgenthau, "The United Nations and the Revision of the Charter," *The Review of Politics*, January 1954; J. F. Dulles, *War or Peace*, New York, 1950.

plished without the specific approval of each one of the fourteen treaty members.

Theoretically, at least, the Charter is much more flexible. If forty U.N. members agree, it would be possible to bring about far-reaching changes in the Charter even against the opposition of as many as twenty nations, excluding the Big Five.

Article 109

The normal amending procedure outlined in Article 108 was not enough to satisfy the demands of many delegations who were displeased with the Charter as it emerged at San Francisco. Some delegates argued that they would be unable to secure ratification of the instrument in their states unless assurances could be given that, within a reasonable period of time, there would be an opportunity to review the Charter and strengthen its provisions in the light of experience. For this reason Article 109 was developed. Basically it is the residue of an attempt to set up a second method of Charter amendment different from and easier than that found in Article 108. The attempt fell short of its mark. A reading of the text shows that while Article 109 establishes a somewhat different procedure, it is certainly no easier than that envisaged in Article 108.

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations including

all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

It will be observed that Article 109 does not guarantee that a review conference will be convened on any fixed date. The only guaranty involved is that the question of calling the conference will be placed on the agenda of the General Assembly after ten years have elapsed. This in itself is not a concession of any great moment, since any member has the right to request that an item be placed on the agenda and the General Assembly approves its agenda by a simple majority vote.

One significant concession however, should be noted. If ten years elapse and the question of calling a review conference is automatically placed on the General Assembly's agenda, the decision to call the conference may be taken by a majority vote of its members instead of the two-thirds vote required under paragraph 1. This decision must be concurred in by an affirmative vote of any seven members of the Security Council. Thus no great power, by its negative vote, can prevent the convening of a review conference.

Differences between Articles 108 and 109

Basically there is little difference between Article 108 and Article 109. Actually, the General Conference contemplated in Article 109 has the same composition as the General Assembly

referred to in Article 108. In both cases, each member of the U.N. would be represented and would have one vote. Likewise any amendment approved by either the General Assembly or the General Conference would require a two-thirds vote of the entire U.N. membership. Moreover, whether one thinks in terms of "alterations" or "amendments" to the Charter, they would come into force under exactly the same circumstances—namely, through ratification, in accordance with their constitutional processes, by two-thirds of the members of the United Nations including the permanent members of the Security Council.²

Thus Article 109 is no easier from a legal point of view than is Article 108. The gamut an amendment has to run is just as long and just as difficult under one article as the other. There is no reason to suppose that a fundamental change in the Charter that has been rejected by the General Assembly would muster any more support in a General Conference called under Article 109.

In some respects it might prove simpler to secure action through the General Assembly since that is an established organ of the U.N. and meets at least once every year. It is regularly available. No special effort, no positive vote, is required to bring it into being as is the case with the General Conference.

On the other hand, there are practical difficulties involved in attempting to divert the attention of the General Assembly to such a controversial matter as the amending process. Confronted each fall with an overflowing agenda, most delegates have been inclined to postpone any serious discussion of Charter amendments pending the convening of the first General Conference under Article 109.

² See Kelsen, *op. cit. supra* (note 1), pp. 817-18.

The atmosphere in a General Conference should be much more conducive to a balanced appraisal of the various arguments relating to Charter revision and review. That will be the task of the conference. It will be convened for that specific purpose. Delegations will be briefed on the issues involved and will have instructions from their governments.

The question of whether to hold a General Conference for Charter review will, therefore, be on the agenda of the tenth annual session of the General Assembly in 1955 and it is likely that the conference, if agreed to by a majority vote, will be held the following year. Secretary of State Dulles, as early as August 1953, announced that the United States would vote in favor of convening such a General Conference.

INFORMAL CHARTER CHANGES

The Charter has been subjected to what one might call informal amendments in a variety of ways: (1) through the nonimplementation or nonapplication of certain provisions of the Charter; (2) through the interpretation of the Charter by various organs and members of the U.N.; (3) through the conclusion of supplementary treaties or agreements, such as the Headquarters Agreement of 1947 and the North Atlantic Pact; and (4) through the creation of special organs and agencies.

These informal amendments substantially affect the provisions of the Charter although they leave its text intact. In some cases they create gaping holes in the document as it was drafted at San Francisco. In other cases they merely fill in the interstices. In still other cases they chart fundamentally new paths of progress for the U.N.

It is outside the scope of this study to examine in detail the growth of the Charter since 1945. But it does seem desirable to take a quick look at the

process in general terms, for without a knowledge of what has been happening during the past eight years one cannot tackle intelligently the broader problem of Charter revision.³

Nonimplementation or nonapplication of Charter provisions

In a number of instances organs or members of the U.N. have disregarded or have failed to implement certain Charter provisions. As a result several articles which the framers believed were highly important in making the U.N. an effective instrumentality for world peace have already fallen into disuse.

Perhaps the best example is Article 43. That article was designed to put teeth into the United Nations system. Under its terms the members of the U.N. agreed to make available to the Security Council the armed forces, assistance, and the facilities necessary for the purpose of maintaining international peace and security. But after eight years of fruitless negotiations the great powers remain deadlocked over such questions as the numbers and types of forces each country shall make available, their locations, their degree of readiness, and so forth. Consequently, the agreements referred to in Article 43 have never come into existence and that provision of the Charter remains a dead letter.

Much the same situation exists with respect to Articles 44, 45, 46, 48, and most of Article 47, which relate to the use of armed forces by the Security Council. These provisions of the Charter are largely contingent upon the entry into force of Article 43. Taken together they constitute the heart of the U.N. collective security system as it was envisaged at San Francisco.

³ On this problem of informal Charter change see the articles by S. Engel cited above (note 1). Portions of this section are based on these articles.

Article 106 offers still another striking example. Briefly put, this article provides that prior to the time the Security Council is ready to begin its peace-keeping functions under Articles 42 and 43, the five permanent members should consult with one another with a view to such joint action as may be necessary to maintain world peace. The great powers, in other words, were given the joint responsibility for maintaining peace, on a transitional basis, until the new organization was properly equipped to perform its functions in an effective manner.

But the split between the East and the West has not only hamstrung the Security Council; it has also prevented giving effect to the transitional arrangement which was supposed to hold the line until the full organization could swing into action.

Mention might also be made of Article 23, paragraph 1. This article provides that the General Assembly in electing the six nonpermanent members of the Security Council shall pay special regard, in the first instance, to the contribution of U.N. members to the maintenance of peace and security and to the other purposes of the Organization and also to equitable geographical distribution. In actual practice the General Assembly has pretty largely disregarded the first two criteria, placing most of its emphasis on equitable geographical distribution. Normally two members have been elected from Latin America, one from Western Europe, one from the British Commonwealth, one from the Middle East, and, during the first few years at least, one from the Soviet satellite bloc.

Of course it can be argued that these criteria are in no way legally binding upon the General Assembly. Certainly if they are disregarded there is no method provided for appealing the action of the General Assembly. Yet

when the guideposts are ignored it simply means that, in effect, Article 23, paragraph 1, has been dropped, at least temporarily, from the Charter.

Interpretation of the Charter

It is a confusing fact that the Charter makes no provision for its interpretation. In practice the organs and members of the U.N. are left free to interpret the various articles according to their own discretion. Consequently, any meaning which a provision of the Charter might reasonably have can prevail in any particular instance. This flexibility has led to a number of interesting developments.

Voting in the Security Council. One of the most significant of these developments relates to the all-important question of voting in the Security Council. The language of Article 27, paragraph 3, seems quite clear. It provides specifically that for other than procedural matters decisions of the Security Council are to be made "by an affirmative vote of seven members including the concurring votes of the permanent members."

Does this mean that action cannot be taken by the Security Council unless it is concurred in by all five of the great powers? Does it mean when a permanent member abstains or is absent at the time the vote is taken that no decision can be reached? Certainly any strict construction of the Charter might lead to that conclusion.

Early in its history the Security Council took the position that an abstention or an absence of a permanent member did not constitute a negative vote. It was this liberal interpretation of the Charter, coupled with the absence of the Soviet representative from the meetings at the time, which paved the way for swift Security Council decisions when the Republic of South Korea was attacked in June 1950. With

only four permanent members present, the Security Council brushed aside a number of neat legal problems and approved three resolutions which made possible U.N. decisions against the aggressor in a way not contemplated by the Charter.⁴

Before leaving Article 27 it might be well to point out that that article, perhaps more than any other, illustrates how differently the Charter may be interpreted by certain members on the one hand and by an organ of the U.N. on the other. At San Francisco the great powers agreed upon a very narrow interpretation of "procedural" questions. For the most part these were the organizational matters referred to in Articles 28-32 of the Charter; the adoption of the rules of procedure of the Council, the selection of the President, the time and place of meetings, the establishment of subsidiary organs, etc. Beyond this point, argued the sponsoring governments in their statement of June 7, 1945, decisions of the Security Council might have "major political consequences," and accordingly would require the unanimous vote of the permanent members.⁵

Since that time the General Assembly—in an attempt to narrow the area within which the veto applies—has been inclined to define procedural questions very broadly. On April 14, 1949, the General Assembly recommended to the Security Council that a long list of some thirty-one decisions be considered

⁴ For a fuller discussion of the practice of abstention, see United States Senate Committee on Foreign Relations, Subcommittee on the United Nations Charter Staff Study No. 1, *The Problem of the Veto in the United Nations Security Council*.

⁵ United States Senate Committee on Foreign Relations, Subcommittee on the United Nations S. Doc. 87, *Review of the United Nations Charter: A Collection of Documents* (hereinafter referred to as *Collection of Documents*), p. 562.

procedural and that the Council conduct its business accordingly. Included in the list were a number of decisions—such as the admission of states to U.N. membership—which had heretofore been considered substantive in character.⁶

The distance between the narrow interpretation of the sponsoring governments at San Francisco and the liberal interpretation of the General Assembly is considerable. Since the Charter itself does not spell out the distinction between procedural and substantive questions, either of these two interpretations could apply. Clearly there is great elasticity in this part of the Charter if the members wish to use it.

The Secretary-General. There has also proved to be considerable elasticity in the Charter provisions relating to the role of the Secretary-General in the United Nations. Articles 97–100 might leave the impression that his political functions were to be quite limited in scope. Only in Article 99, under which he may bring to the attention of the Security Council matters which in his opinion may threaten world peace, is there any real grant of political initiative.

Yet, in fact, influence exercised by the Secretary-General has been one of the significant developments within the United Nations. Both the General Assembly and the Security Council—and still more important the Secretary-General himself—have taken a broad view of his functions. He has made statements before both bodies on a variety of questions, and he has undisputed authority to place any item he considers necessary on the General Assembly's provisional agenda. One has only to recall his vigorous role in the Korean crisis, his proposal for a U.N. guard force, and his attempts to bring about a rapprochement between the Soviet bloc and the free world, to understand

the expanding nature of his political activities.

Non-self-governing territories. Still another demonstration of what custom and usage can do is reflected in the General Assembly's interpretation of Article 73 (e) regarding non-self-governing territories. According to that article the Member States are obligated to submit to the Secretary-General, "for information purposes," data of a technical nature relating to the economic, social, and educational conditions in the non-self-governing territories for which they are responsible. Presumably this language does not grant to any U.N. organ the authority to deal with the information furnished or to make recommendations about it. The General Assembly, however, has gone considerably beyond the letter of Article 73. In 1949 it created a special committee to examine the information transmitted and to submit reports thereon to the General Assembly:

containing such procedural recommendations as it may deem fit and such substantive recommendations as it may deem desirable relating to functional fields generally but not with respect to individual territories.⁷

With this as a starting point, the General Assembly has gradually expanded its influence. It has approved a standardized form for governments to use in submitting information. It has requested additional information from Member States. It has debated at length the reports submitted to it on the information received. If the present trend continues, the time may come when world opinion would expect the colonial powers to account to the U.N. for the efficient administration of their non-self-governing territories.⁸

The General Assembly. Finally, per-

⁶ *Collection of Documents*, p. 572.

⁷ *Collection of Documents*, p. 728.

⁸ *Ibid.*, Part C (X), pp. 749–79.

haps the most significant change in the Charter has taken place as a result of the sharp shift in the balance of power between the Security Council and the General Assembly. During the past five years the Security Council, meeting less and less frequently, has faded into the background. The General Assembly, on the other hand, has played a more important role than the framers of the Charter anticipated.

At San Francisco much emphasis was placed upon the Security Council's primary responsibility for the maintenance of world peace. It was to meet in continuous session. Armed forces were to be placed at its disposal. It could make decisions binding on all U.N. members. It was to be a small body capable of acting with vigor and dispatch in order to keep the peace.

The General Assembly was designed to be a much less powerful organ. It was scheduled to meet in regular annual sessions. It was to have no armed forces at its disposal. It could not make decisions—only recommendations. Its main weapon was discussion and debate.

As the Security Council has fallen into disuse, largely because of dissension among the great powers, the General Assembly has become a stronger and more vigorous organ. By various devices, including the creation in 1947 of the Interim Committee, or the so-called "Little Assembly," ways and means have been found to keep the General Assembly in virtually continuous session. Moreover, the "Uniting for Peace" resolution, which was approved in 1950 after the attack on Korea, geared the General Assembly to take quick action against an aggressor in the event the Security Council failed to exercise its responsibility for the maintenance of peace.⁹

⁹ *Ibid.*, Part C (V), pp. 494-556.

Today, the General Assembly may be convened in emergency session in twenty-four hours. It may make appropriate recommendations to the members for collective measures, including the use of armed forces. It has created two important subsidiary organs: (1) a Collective Measures Committee to report on the methods which might be used to strengthen international peace and security; and (2) a Peace Observation Commission to observe and report on any situation which might endanger international peace and security. Finally, Member States have been asked to earmark certain of their armed forces so organized, trained, and equipped that they could be made available promptly for service as United Nations units.¹⁰

In filling this new role the General Assembly has already demonstrated that it can make far-reaching recommendations. Thus, on February 1, 1951, it approved a resolution finding that Communist China had engaged in aggression in Korea.¹¹ This was followed on May 18, 1951, by a second resolution calling for an embargo on the shipment of war materials to Communist China and North Korea.¹²

It can be argued, of course, that resolutions of this kind are only recommendations to the Member States and have no binding effect. But in fact, the strategic materials embargo has been put into operation by some forty-five countries and has considerably limited strategic trade with aggressor nations.

The conclusion of agreements which supplement the Charter

The character of the Charter has also been changed as a result of numerous treaties and agreements which have

¹⁰ *Ibid.*, p. 557.

¹¹ *Ibid.*, p. 596.

¹² *Ibid.*, p. 597.

been entered into by various Member States. These agreements define in greater detail the general provisions of the Charter. They usually spell out in more specific form the rights and duties of Member States and the powers and functions of U.N. organs. In some instances they lay down obligations and commitments which go beyond those contained in the Charter. A few examples may be helpful to show the nature of this development.

The Charter itself, for example, sets forth in broad terms the basic principles relating to the legal capacity of the U.N. and the privileges and immunities to be enjoyed by representatives of the Member States and by U.N. officials. (See Arts. 104 and 105.) At San Francisco it was assumed that these were matters which could be worked out more properly at a later date. Indeed, Article 105 specifically calls upon the General Assembly to make recommendations with a view to determining the details of the application of the principles regarding privileges and immunities or to propose conventions to the members for this purpose.

Under the Convention on the Privileges and Immunities of the United Nations of February 13, 1946, what was once two short articles of the Charter—some nine lines—has grown into a document of thirty-six sections, setting forth in some detail the juridical personality of the U.N., the immunity of U.N. property, funds, and assets, the right of the U.N. to use communication facilities, the privileges and immunities of officials accredited to the U.N., and so on. As of October 1953, forty-two nations—the United States not among them—had ratified the convention.¹³

In the same category is the Headquarters Agreement between the United States and the United Nations signed

on June 26, 1947. This agreement defines the headquarters district in New York and clarifies the rights of the U.N. with respect to postal and radio facilities, the use of an airport, the inviolability of the headquarters, police protection, and related matters. Like the Convention on Privileges and Immunities it gives substance to the general provisions of the Charter.¹⁴

Of a somewhat different character are the declarations which some forty-four nations have made, voluntarily accepting the compulsory jurisdiction of the International Court of Justice. It is true, of course, that all members of the U.N. are obligated to settle their differences by peaceful means.¹⁵ But the Charter does not impose any particular method of solution upon the parties to a dispute. Consequently, when U.N. members accede to the so-called optional clause of the Court Statute (Art. 36) and agree in advance to submit their legal disputes to the Court for settlement, they not only enlarge the competence of that body but also accept obligations over and above those already embodied in the Charter.

Most important, from the point of view of the future development of the U.N., are the changes which have taken place as a result of the conclusion of such agreements as the Brussels Treaty, the Rio Treaty, and the North Atlantic Pact.¹⁶ The United Nations Charter was designed to tackle the problem of collective security on a world-wide basis. That grand design soon proved inadequate. As a consequence, U.N. members who feared the threat of Soviet aggression were compelled to continue their quest for security in other directions. In such agreements as the Rio Treaty and the North Atlantic Treaty they shifted their emphasis from uni-

¹⁴ *Ibid.*, p. 197.

¹⁵ *Ibid.*, p. 2, Art. 2 (3) of the Charter.

¹⁶ *Ibid.*, Part C (VIII).

¹³ *Ibid.*, p. 191.

versal collective security to security based on regional pacts and the idea of collective self-defense as expressed in Article 51.

Thus the United Nations is a very different organization from what it was eight years ago. Then it stressed the essential unity of all members against aggression anywhere. Now it is an organization within which groups of states are seeking to preserve the peace by uniting their strength in order to deter aggression from Communist sources.

There are, to be sure, some critics who still argue that the Atlantic Pact is not a regional arrangement and that it violates the spirit if not the letter of the United Nations Charter. Whether the Atlantic Pact is based upon the regional chapter (Arts. 52-54) of the Charter, or whether it derives its existence from Article 51, is beside the point. The real point is that these agreements have added new wings to the U.N. structure. In developing, as they do, new techniques for joint action against armed attack they give new meaning and new vitality to Articles 51-54.

In this connection mention should also be made of the bilateral mutual defense treaties which the United States has concluded with the Philippines, Japan, and Korea, and the tripartite pact with Australia and New Zealand. These treaties, which also spring from Article 51, outline a somewhat different approach to the security problem in an area of the world which is not quite ready for the kind of commitments contained in the Atlantic Pact. The words in Article VIII of the treaty with Australia and New Zealand, "Pending the development of a more comprehensive system of regional security in the Pacific area," carry the implication, however, that the treaties are only the first step in the building of a more effective security system for the Pacific.

The creation of subsidiary organs

Somewhat akin to the conclusion of supplementary agreements, although of less constitutional significance, has been the creation of special organs within the U.N. system. While both these devices were anticipated by the Charter, they have helped to round out that document in a way that probably was not foreseen a decade ago.

The Charter provides that both the General Assembly and the Security Council may establish such subsidiary organs as are deemed necessary for the performance of their respective functions. (See Arts. 22, 29.) A good many standing committees have been set up under the Rules of Procedure of the two bodies. In addition, a large number of committees and commissions have been established by resolution of the two parent organs to perform certain specific functions. Some of these are of a semipermanent nature, like the Interim Committee of the General Assembly, the International Law Commission, and the Disarmament Commission. Still others are *ad hoc* bodies, like the U.N. Commission for India and Pakistan, the U.N. Special Committee on the Balkans, the Palestine Conciliation Commission, the U.N. Commission for the Unification and Rehabilitation of Korea, and the Special Committee on the Question of Defining Aggression. As of March 1953 there were at least thirty-two subsidiary organs of the General Assembly and three of the Security Council.¹⁷

The Interim Committee, or the "Little Assembly," is perhaps the best example of this type of constitutional de-

¹⁷ United Nations, Department of Public Information, *Structure of the United Nations* (Sixth Revision; May 1953), U.N. Document ST/DPI/7*.

velopment.¹⁸ Since it was created to strengthen the General Assembly and thus to offset the veto-ridden Security Council, it was given broad competence to deal with questions within the jurisdiction of the General Assembly when the latter was not in session. For the proper exercise of these functions the Interim Committee was given the power to conduct investigations, to appoint commissions of inquiry, to adopt additional rules of procedure not inconsistent with those of the General Assembly, and to advise on the calling of special sessions of the General Assembly.

The resolution creating the Interim Committee underlined its character as a subsidiary organ of the General Assembly in accordance with the terms of Article 22. Nevertheless, the Soviet Union and its satellites challenged the constitutionality of the Committee. They charged that it was designed to circumvent and weaken the Security Council. They insisted, too, that the Committee possessed such broad powers that it was equal in rank with the General Assembly and consequently did not constitute a "subsidiary organ" within the meaning of Article 22.

These arguments were not accepted by the General Assembly. At the same time the terms of reference of the Interim Committee were narrowed somewhat so as to meet the criticisms launched against it. Its authority to conduct investigations was circumscribed and its power to advise on the calling of special sessions of the General Assembly was limited to questions actually under discussion by the Committee. In addition, it was made clear that the Committee was not to trespass on the sphere of activity of any other organ of the United Nations.

Despite these assurances the Soviet Union and its satellite states continued

to regard the Interim Committee as unconstitutional and refused to participate in its work. The Committee has not met since 1952.

The Soviet bloc has vigorously opposed the creation of other subsidiary organs on constitutional grounds. They attacked the U.N. Commission for the Unification and Rehabilitation of Korea, insisting that it constituted illegal intervention in a civil war and interference in the internal affairs of another state. Similarly they held that the terms of reference of the U.N. Special Committee on the Balkans were incompatible with the Charter and the principle of the sovereign equality of states. But these organs were established and discharged their responsibilities.

Out of U.N. experience with subsidiary organs to date the following principles emerge:

1. The power of the General Assembly and the Security Council to establish subsidiary organs to perform a wide variety of functions has been established. The authority which these agencies exercise, however, cannot go beyond the authority possessed by the parent organ under the Charter.

2. Most of the subsidiary organs exercise their mandates within a definite time period, the length of which depends upon the nature of the task to be performed.

3. The subsidiary organs are strictly accountable to the General Assembly or the Security Council and must submit reports on their activities at regular intervals.

The subsidiary organs by no means have a free rein; rather they are carefully hedged about by restrictions and limitations. They do not amend the Charter in any substantive way. Yet they do constitute a significant part of the Charter structure.

¹⁸ *Collection of Documents*, pp. 499-505.

CONCLUDING COMMENTS

As the time for the review of the United Nations Charter approaches, those who are interested in determining whether the United Nations can become a more effective instrumentality for world peace will want to examine carefully the alternatives open to them. Should an effort be made to bring the Charter up to date through the formal amending process? Or would it be more prudent to wait upon the normal development of the Charter through informal adaptation and change? This is a fundamental question that must be faced before the Charter review conference is convened.

In his book, *War or Peace*, published in 1950, Secretary of State John Foster Dulles commented as follows:

I have never seen any proposal made for collective security with "teeth" in it, or for "world government" or for "world federation," which could not be carried out either by the United Nations or under the United Nations Charter.¹⁹

Many of the imperfections in the U.N. system could be remedied without the change of a word in the Charter. Certainly the impact of the veto could be softened quietly and quickly if the permanent members would informally agree to refrain from using it. Likewise, many nations now awaiting admission to the U.N. could be admitted without any formal Charter change.

While the Charter is gradually being developed by these informal methods, certain disadvantages stem from relying on them instead of amendments of a more formal nature. For one thing, they are much less permanent in character. A formal amendment is firmly imbedded in the Charter for all to see for years to come. But an informal

Charter change can be modified or abrogated with relative ease; it may be here today and gone tomorrow, depending upon the will of certain states or the action taken by a particular organ of the U.N.

More important still, informal changes may be much more limited in scope because they apply only to those states responsible for them.

The Atlantic Pact, for example, binds only the fourteen nations members of the North Atlantic Treaty Organization. And a particular interpretation of the Charter agreed upon by the five great powers has no legal validity beyond this limited group. On the other hand, a formal amendment, once in effect, is binding upon all the members of the U.N. whether they vote for it or not.

Some people, also, are inclined to question the constitutionality of informal amendments. In practice, however, there is no satisfactory way in which the constitutionality of an informal amendment can be effectively challenged. To be sure, the International Court of Justice may hand down advisory opinions, but such opinions are purely advisory in nature and have no binding effect either upon the members or upon the organs of the U.N. There is no power of judicial review within the U.N. system.

The members and the various organs of the United Nations are alone competent to pass upon the constitutionality of their actions. This being the case, changes brought about through the informal amendment processes must be considered constitutional so long as the states involved remain within their obligations under the Charter.

On the other hand, Charter growth through interpretation can only proceed within well-defined constitutional limits. The United Nations is not a superstate. It is based squarely upon the principle

¹⁹ P. 204.

of the sovereign equality of all its members, as Article 2 constantly reminds us, and it must function within the specific limitations laid down in the Charter. However broad an interpretation one might place upon the Charter, the United Nations—under the limiting language found in Article 2, paragraph 7—is not authorized to intervene in matters essentially within the domestic jurisdiction of any state. Likewise the authority of the General Assembly cannot be increased beyond a certain point for, under the express provisions of the Charter, it can only recommend; it cannot make decisions binding on U.N. members.

The foregoing paragraphs indicate that many changes in the United Nations have been brought about by informal methods and by agreements made outside, but at the same time collateral to, the Charter. Some changes which have been proposed, however, could only come about by formal amendment. Thus, a change in the permanent membership of the Security Council, a change in the formal amending process, or a grant of authority to enable the General Assembly to make decisions instead of recommendations would undoubtedly require formal amendment before they could be made effective. In fact, it has been argued (by the Soviet Union) that some of the informal changes mentioned in preceding paragraphs, many of which were developed

as the result of American leadership, are of the type which should have been submitted for approval by the formal amendment procedures provided in the Charter.

Our government has indicated that when the question arises in 1955, the United States will favor calling a review conference. The existence of the veto does not mean that such a conference would be a waste of time. The only logical course of action now is to proceed with a careful study of the entire problem and the formulation of proposals which we may find in our national interest, on the assumption that no single nation will willfully block approval of any desirable amendments.

This assumption may prove wrong. If it does, supporters of the U.N. may well conclude that their objective of developing an organization that can better serve the cause of world peace can still be attained without invoking the formal amendment process. Since its inception the Charter has demonstrated a remarkable facility for adapting itself to changing needs and circumstances. This flexibility may provide the way in which the United Nations can be made more effective in protecting the interests of the United States and preserving peace.²⁰

²⁰ On the desirability of calling a review conference, see article by Ernest A. Gross cited above (note 1).

Francis O. Wilcox, Ph.D., Washington, D. C., is Chief of Staff of the United States Senate Committee on Foreign Relations. He was chairman of the Division of Social Sciences at the University of Louisville and has held several posts in both the executive and legislative branches of the government. He served as an adviser to the United States delegation at the San Francisco Conference on the United Nations Charter. Since that time, he has participated in most sessions of the United Nations General Assembly.

Strengthening the United Nations

By CARLOS P. ROMULO

"... we must boldly explore ways of so strengthening the United Nations that it may have . . . the power to prevent universal catastrophe."

IN his now historic address to the General Assembly of the United Nations on December 8, 1953, President Dwight D. Eisenhower prefaced his proposal for an international pool of atomic energy for peaceful purposes with a heart-warming tribute to the United Nations. He said:

At the same time that I appreciate the distinction of addressing you, I have a sense of exhilaration as I look upon this Assembly.

Never before in history has so much hope for so many people been gathered together in a single organization. Your deliberations and decisions during these somber years have already realized part of those hopes.

But the great tests and the great accomplishments still lie ahead. And in the confident expectation of those accomplishments, I would use the office which, for the time being, I hold to assure you that the Government of the United States will remain steadfast in its support of this body. This we shall do in the conviction that you will provide a great share of the wisdom, the courage, and the faith which can bring to this world lasting peace for all nations, and happiness and well-being for all men.

To make this speech, President Eisenhower flew into New York directly from Bermuda, where he had been in conference with Prime Minister Churchill of Great Britain and Premier Laniel of France about the grave issues of war and peace. The event thus possessed all the elements of high drama. First, the Bermuda Conference was held in the framework of the old classical di-

plomacy, wherein the heads of the three great powers of the Western world met together in secret in an attempt to maintain peace by strengthening the free-world coalition against a potential enemy. Second, President Eisenhower, as head of the most powerful nation in the world, spoke on a matter truly of life and death for all humanity. And third, the General Assembly of the United Nations was deliberately chosen as the platform from which the historic message would be given to the world.

What President Eisenhower told the General Assembly has been heard around the world. His bold proposal on atomic energy has become the number one item of world statesmanship and will so remain in the anxious months to come. But this event is significant for another reason. It dramatically points up the degree in which the United Nations has been sadly left behind in the furious pace of scientific progress in the modern world. It was appropriate that President Eisenhower should have chosen to submit his fateful proposal on atomic energy to the United Nations. But the United Nations lacks the authority to act promptly and effectively on the Eisenhower proposal.

A VESSEL TOO FRAIL

Suddenly we realize that no political instrument exists today which could cope with so great a need. Somewhat sadly we realize that the United Nations has become a vessel too frail to

be the repository of humanity's hopes and fears in the atomic age.

Nine years ago, I represented the Philippines during the San Francisco Conference which gave birth to the United Nations. As the representative of a country that had suffered grievous loss of life and destruction of property during the war, I gave earnest support to every proposal which was intended to enable the United Nations to cope with the menace of future war. After two months of strenuous effort, the Conference completed the Charter of the United Nations, the first words of which proclaim the determination of the peoples of the United Nations "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind."

The Charter of the United Nations was completed on June 26, 1945. Twenty days later, on July 16, the United States set off the world's first atomic explosion. In another twenty days, on August 6, the first atomic bomb was dropped on Hiroshima.

In retrospect, these dates are significant. The final blueprint of the United Nations was completed shortly before the world was aware that atomic power had become a reality. The eloquent words with which the Charter opens, affirming mankind's determination "to save succeeding generations from the scourge of war," referred therefore to the only kind of warfare which men had known until then. It was murderous and destructive warfare which made no distinction between combatants and noncombatants, but it was nevertheless one which was waged with conventional weapons of finite potency. It was total war, and it was right that those who founded the United Nations in San Francisco should have established as the primordial aim of the

Organization the prevention of similar wars in the future.

Meanwhile, the world has moved from the menace of total war with conventional weapons towards the menace of absolute war with bacterial, atomic, and hydrogen weapons. The United Nations probably has the means to intervene effectively and in time to prevent or halt a war fought with conventional weapons. But it does not have the means to do so in the case of a war fought with absolute weapons.

The reason is simple: the United Nations was not built to the scale of the atomic age in which we live. Another way of putting this idea is to say that, in the short space of nine years, the Charter of the United Nations has become dangerously obsolete to the degree that under its existing provisions the Organization is powerless to act effectively to forestall universal catastrophe.

IMPOTENCE OF SECURITY COUNCIL

The most convincing proof of this statement is the confirmed impotence of the Security Council. This is the organ which has primary responsibility for maintaining or restoring international peace and security. I shall not take away from this organ the credit which rightly belongs to it for settling or helping to settle disputes between nations and for preventing or stopping a number of threats to the peace, breaches of the peace, and acts of aggression. But in the only instance among these which involved large-scale fighting and which had the actual potentiality of leading to a third world war—namely, the Communist aggression in Korea—the Security Council was saved from total impotence only by the narrowest of accidents, that is, by the providential absence of the Soviet Union from the meeting which ordained military sanctions against the

Communist aggressors. Moreover, Korea happened to be a theater of war which the Soviet Union did not consider to be important enough to require its actual participation and all-out effort.

Under the Charter, the Security Council is responsible for organizing readily available armed forces from Member States for the purpose of maintaining international peace and security. In the past eight years nothing concrete has come out of its efforts in this field. It was left to the General Assembly, under the "Uniting for Peace" resolution, to formulate plans in advance for the organization of collective measures against future acts of aggression.

Furthermore, the Security Council is primarily responsible for formulating plans for the establishment of a system for the regulation of armaments. The records dealing with this matter form the most dreary chapters in the history of the United Nations. In eight years of study and discussion nothing has been accomplished. The armaments race has proceeded without interruption and at a faster pace than during any other peacetime period in the history of the world. Today, having wasted eight years in a fruitless search for an acceptable formula for the regulation of armaments, including atomic weapons, we have the sinister spectacle, to use the words of President Eisenhower, of two atomic colossi, the United States and the Soviet Union, malevolently eyeing each other across a trembling world.

The great weakness of the Security Council, of course, is that while it has all the attributes of authority, it lacks the actual instruments of power necessary to make that authority real.

MORAL POWER OF GENERAL ASSEMBLY

It is significant that President Eisenhower chose to speak before the Gen-

eral Assembly. This body, in which all the sixty Member States are represented, has been variously called an international debating society, the forum of humanity, and the town meeting of the world. It is weak where the Security Council is strong, at least on paper. It has none of the outward attributes of authority, but it has power over the hearts and minds of men out of all proportion to the actual authority it wields. Far from being a Parliament of Man, it has authority only to make recommendations to Member States, and a state may fail to comply with these recommendations without running the risk of coercive sanctions.

I have said of the United Nations in general that it has become a vessel too frail to serve as the repository of the hopes and fears of humanity in the atomic age. Lacking something better, we have at least in the General Assembly a repository of the good sense and good conscience of humanity.

It used to be said that while the United Nations has not achieved much success in the political and security field (disarmament is one of its more awesome failures), it has done much useful work in the economic, social, cultural, humanitarian, trusteeship, and legal fields. During the past seven years, this has been largely true. Despite the cold war, the United Nations has accomplished tasks of international co-operation which, against the background of previous history, are nothing short of prodigious. The problems of world economic and social development, particularly the effort to raise standards of living, the promotion of human rights and fundamental freedoms, the march of the trust and non-self-governing territories towards eventual freedom, the continued development of international law—all these have been faced and measurable progress has been made in

their solution, in the very shadow of the cold war.

We have the Technical Assistance Program and we have the useful work continually being done by the specialized agencies in the fields of agriculture, industry, science, education, health, finance, trade, transportation, and so forth.

CONCERTED CAMPAIGN TO ARREST PROGRESS

All this is true. But today there seems to be a general feeling that the possibilities of United Nations action even in these nonpolitical questions have become nearly exhausted. We have come to a point of diminishing returns. There is growing reluctance on the part of the developed countries to assist the underdeveloped countries in their programs of economic development. One example is what has happened to Point Four in the United States; another, the freezing of the Expanded Program of Technical Assistance; yet another, the virtual pigeonholing of the project for the establishment of the Special United Nations Fund for Economic Development.

In another field, there is the growing resistance of the more advanced countries to any action designed to promote respect for human rights and fundamental freedoms throughout the world. The reasons they give are strange indeed: either they say that they do not wish to risk lowering their own standards by signing conventions or covenants concerning these matters with the less developed countries, or they say (as they do on questions like those of Tunisia, Morocco, and race conflict in South Africa) that the United Nations is forbidden by the domestic jurisdiction clause of the Charter from interfering in these matters.

In the matter of trusteeship and non-

self-governing territories, we have come to a point not only where activity has ceased but where the trusteeship system and the principles underlying Chapter XI of the Charter are "withering on the vine."

It is difficult to escape the feeling that, on all sides, there is a concerted and deliberate campaign to arrest progress in these nonpolitical fields under the auspices of the United Nations.

One generous way of explaining this is to say that since so much progress has been achieved in these fields during the past seven years, we ought prudently to settle down and consolidate the gains that have been made. I am afraid, however, that the real reason is twofold: first, that further progress in these fields must now await the conclusion of the cold war and the establishment of genuine international cooperation among the great powers; and, second, that the United Nations has exhausted the limits of its possibilities of action under the Charter as it exists.

We are back where we started. We realize that there is something naive and unreal in trying to promote higher standards of living, human rights and fundamental freedoms, and the rule of law in a world where men are condemned to live in constant fear of universal death. We are compelled to admit that under the present Charter, the United Nations is incapable of performing the service that it should for the peoples of the world in the atomic age; and the most important and urgent single element of that service is to save humanity from the menace of atomic destruction.

President Eisenhower, in the speech already referred to, justly credited the United Nations with realizing "part of the hopes" which had been pinned on it by the peoples of the world. But, in his own words, "the wisdom, the courage, and the faith which can bring to

this world lasting peace for all nations" are yet to be provided.

NARROW MARGIN OF SAFETY

In other words, the question remains whether the good sense and good conscience of humanity will be asserted effectively and in time to forestall a war of annihilation with atomic and hydrogen weapons. Since our margin of safety is so narrow, we must ask ourselves whether we should be content with the United Nations as it is, knowing that it was tailored to the needs and uses of a preatomic age; and whether we should accept the terrible risk which attends the widening gap between our onrushing atomic science and the inertia of our political know-how.

The answer is not easy. For, throughout history, men have sought to retain the forms and institutions of their daily life long after these have been outmoded by the ideas and precepts of advancing science. In the past, however, there was always a margin of safety sufficient to afford men time to adjust themselves to the new conditions. Except for sudden revolutionary short cuts often necessitated by a massive accumulation of intolerable evils, it has nearly always been possible to remodel the old forms and institutions for the more spacious requirements of the new ideas and principles.

The question, I repeat, is whether in this atomic age, we are permitted the time to do this. It is a serious question, but one which should not lead to panicky solutions.

We must reject, to start with, the notion that the United Nations should be scrapped. I think that, faced with the possibility of universal disaster, sensible people everywhere are inclined to feel somewhat more comfortable and secure with the United Nations than without it. If it gave us nothing more

than this sense of added comfort and security, the United Nations would be worth having.

However, a sense of security is not enough. The danger which mankind faces is both real and immediate, and it must be met simultaneously on two levels. First, we must endeavor to make the United Nations function to the utmost of its possibilities under the Charter, using its undoubted moral influence to help prevent impending disaster. Secondly, we must boldly explore ways of so strengthening the United Nations that it may have, before it is too late, the power to prevent universal catastrophe.

In other words, it is not enough to say that the United Nations is better than nothing. We shall find before long that the United Nations is not good enough unless it is the best that human ingenuity can fashion, unless it is able to provide "the wisdom, the courage, and the faith which can bring to this world lasting peace for all nations."

REVOLUTION FOR SURVIVAL

To cope with the atomic revolution, we need a political revolution of at least equal imagination and magnitude.

In accordance with Article 109 of the United Nations Charter, the tenth regular session of the General Assembly, which will be held in 1955, will discuss a proposal to call a conference to review the Charter. While such a conference will almost certainly be held, it is generally doubted whether any major amendments to the Charter will be approved. Since amendments are subject to the veto of the permanent members of the Security Council, it is naturally assumed that amendments purporting to strengthen the United Nations at the expense of the big-power veto and of the principle of state sovereignty will have little if any chance of adoption.

Nevertheless, necessity is still the mother of invention. Our need is for peace, no longer as a mere convenience but as the indispensable condition of human survival. This thought will not sink in easily, for men's minds have been inured to situations of measurable and surmountable danger. But the irrevocable finality of the danger we face will inevitably moderate the prevailing pessimism and compel all Member States, especially the great powers, to be more receptive to proposals for revision of the United Nations Charter, no matter how radical they may seem.

SCOPE OF ESSENTIAL CHARTER REVISION

In considering amendments, the yardstick should not be what seems possible in the context of the present international situation, but rather what is necessary to enable mankind to avoid atomic destruction. Accordingly, any and all proposals which would make it possible for the United Nations to cope with this danger should merit careful consideration. Such proposals would certainly include: the restriction of the scope of domestic jurisdiction and of the concept of state sovereignty, the limitation or abolition of the veto, the establishment of a system of weighted representation of Member States, and the placing in the hands of the United Nations of the means to enforce decisions involving international peace and security, particularly as regards the regulation of armaments, control of atomic energy, and prohibition of atomic weapons.

There are those who will say, "This

is 'world government'"—and dismiss such proposals as utopian and impractical. But in the present context of human affairs, any revision of the United Nations Charter would be less than practical that did not attempt wisely and courageously to bridge the gap between what is possible and what is necessary. This can be done only by a bold new approach, a desperate frontal assault if you will, upon the problem of international organization, undeterred by the limitations of past or present experience. Do we discount the inertia which induces the human mind to seek the line of least resistance and to devise partial or makeshift remedies for recognized evils? By no means. However, while the force of custom is indeed powerful, it is not more so than the instinct of survival. Therefore, in this matter, we must not only think in terms of the improbable but also attempt the seemingly impossible.

The alternative is to let the world drift willy-nilly towards disaster, borne on the ancient tides of power politics and war.

I am aware that there are those who would choose this dread alternative. Their attitude has taken the form of an aggressive attack against the United Nations, not because it needs to be improved and strengthened, but because they would destroy it utterly and let every nation withdraw into the hard shell of its sovereignty like a turtle.

The reference to the turtle is a deliberate one. It emphasizes the fact that it is impossible, in this age of the jet plane, to return to the age of turtles. It is much later than we think.

General Carlos P. Romulo, Ph.D., Lit D., D.H.S., LL.D., Makati, Rizal, the Philippines, was President of the fourth session of the United Nations General Assembly (1949-50) and Chief of the Philippine Delegation of the United Nations (1945-53). He headed the Philippine delegation at the San Francisco Conference. From 1950 to 1952 he was Secretary of Foreign Affairs of the Philippine Republic and from 1952 to 1953 Ambassador to the United States. He is now Chairman of the Philippine Delegation to the ninth session of the General Assembly of the United Nations.

Limits to the Powers of the United Nations

By RAYMOND ARON *

"The United Nations does not have the capacity to ensure collective security. . . . It would be a . . . mistake, through false idealism, to seek in the Charter the secret of salvation and a substitute for force."

IS the United Nations—and can it be—an essential instrument of security in the world of today? Can a revision of the Charter add decisively to the effectiveness of the international organization? It seems to me that the answer to these two questions must be negative. To attribute the impotence of the U.N. to the right of veto or to the division of powers between the Security Council and the General Assembly is to take the effect for the cause, to confuse the symptom with the disease, or to imagine that legal texts can change the ways of those strange monsters, the national states

the same civilization, later like the con-Member States have both the determination and the military capacity to coerce the aggressor and punish him.

The second condition is that the conflict submitted to the U.N. be juridically defined, that it lend itself to the legal formalism of the Charter so that the wrongs of the parties may be determined, not according to political expediency, but by reference to the letter of fundamental texts and concepts.

Never in history have these two conditions been fulfilled; never have they been so far from fulfillment as in the present-day world

UNATTAINABLE PREREQUISITES OF UNITED NATIONS EFFECTIVENESS

Under what conditions would an organization of the United Nations type be able to guarantee security and peace? (By "organization of the United Nations type" we understand an organization created by states that subscribe to certain obligations; agree to abstain from certain acts, but do not renounce the defense of their interests, of which they remain the sole judges; do not alienate any part of their sovereignty; and do not stipulate in advance what military contribution they will provide to execute the organization's decisions.)

The first condition is that in case of unqualified aggression by a state the Security Council be unanimous in recognizing the aggression and in designating it as such, and unanimous in calling upon the Member States to come to the

THE IMPOTENCE OF THE PEACEFUL

It was imagined originally that the immense majority of peaceful states would alone always be able to control the aggressor state in a military way. Even if the states we are assuming to be peaceful were ready to go to war out of respect for a universal principle—which is not the case—the concentration of military might makes it impossible, at present, to coerce one of the two great powers by the threat of war alone. Against the Soviet Union or the United States, this threat would be totally ineffective since each of the two is alone capable of resisting the combined forces of the small and medium-sized nations and would not yield except at the end of a devastating war exhausting for all participants. We may add that the present grouping of states is such that neither of the great powers will ever be isolated. Each will

* Translated by J. W. Smith

always have with it those states which, because of geographic proximity, economic or military subordination, or ideological solidarity, will have no other recourse than to share their leader's fate to the end.

Moreover, let us not imagine that the uncommitted states, those that refuse to enter either of the two camps, would act more disinterestedly, with a more acute sense of equity. When his interests are involved, for example in Kashmir, Mr. Nehru does not differ from the foreign minister of any other country. When an international question not directly concerning India is at issue, he by no means says only what is true and just. His positions on Tibet (which, however, concerned India), on Korea, and on Indochina are compromises among truth, personal passions (anticolonialism, antioccidentalism), and realistic calculations (fear of China and desire to appease her).

In the last century, certain political writers placed their hopes in a world conscience: the judgment of public opinion would suffice to prevent crime or to check the criminal. Let us recognize the facts: in international relations, there is no world conscience—first, because the world is divided into two camps, each adhering to its own system of values; second, because even in those countries that subscribe to our system of values statesmen speak and act according to expediency. So much is this the case that if one of them, against his interest, were to proclaim a policy based upon pure morality, all observers would look for cynical motives behind such a noble and surprising conduct.

NATIONAL SELF-PRESERVATION: UN-
JUSTIFIABLE ISSUE IN INTER-
NATIONAL CONFLICT

As for the second condition, reality is more remote from it today than in

any other period of history. The principal reasons for this seem to me to be the following: the juridical formalism of international organization supposes that states exist, and that the conflict submitted to the organization concerns essentially, if not exclusively, relations among states. However, in our era, every conflict involves the existence of one or several states, not the relations between them.

For the U.N., the crossing of the 38th parallel was a case of aggression in both the juridical and military senses of the term, since only the state of South Korea was recognized by the U.N., the government of North Korea having refused to apply the decisions made at Lake Success concerning elections and the establishment of a state for the entire country. But, within the ideological system of the Communist camp, only the North Korean government was legitimate, and the crossing of the parallel was not an act of aggression but an episode in a civil war for the liberation and unification of the entire country. Such at least was the esoteric version intended for the initiated; for the general public, it was proclaimed that South Korea began the war.

When the conflict is not between two governments of the same country, each justifying itself according to the principle of legitimacy of one of the two camps, it is likely to oppose a government which, formally, is in rebellion and a legitimate sovereign which, however, represents a distant imperial power. Such was the case of Indonesia. Holland's sovereignty over the islands of Indonesia having been accepted and recognized by all states, there is no doubt that in positive international law the men who today form the Indonesian government were rebels in 1945, and that the problem was an internal one. Juridically, France

P15286

can plead the same thesis with regard to Tunisia and Morocco. If one day a "revolutionary" Tunisian or Moroccan party were recognized as a government by the states of the Soviet bloc (as was Vietminh in Indochina), we would shift from case number two to case number one, that of two legitimate governments. The wording of the Charter empowering the U.N. to act in matters affecting world peace is so vague and open to such broad interpretation that the U.N. took jurisdiction in the case of Indonesia. In reality, the majority of the great powers, the Soviet Union and the United States, also sided with the rebels, and the Dutch government gracefully yielded to pressure. Thus the U.N. favored Indonesian independence, a fact which certainly may be considered a success, but which has little or nothing in common with "collective security."

A third possible case is that of the conflict among the Jewish Agency, the mandatory power (Great Britain), and the Arab countries. The U.N. was not called upon to prevent or sanction aggression, but had rather to arbitrate among incompatible claims. Following the departure of the mandatory power, the arbitrational decisions were not accepted, either by the Jewish Agency, transformed into the State of Israel, or by the governments of the Arab states. This double rejection meant war in Palestine. It has not been forgotten how the two series of events, deliberations and decisions in the U.N. on the one hand, military operations and the supplying of Israel with arms by the Communist bloc on the other, finally led to the creation of the State of Israel and a precarious armistice in Palestine. The intervention of the U.N. was neither decisive nor sterile. It was an element in an evolutionary process, as was also the local war. The U.N., in this case, was an organ of mediation

and arbitration. It attempted not so much to state the law as to express what was expedient. Comparable to the concert of the great powers, it tried to shorten the war and give its sanction to a compromise among the conflicting interests, a compromise acceptable to the great powers. Would the intervention of the latter have been more or less easy in the absence of the U.N.? It is difficult to judge. Probably the state of public opinion makes it preferable to camouflage the intervention of the great powers under the U.N. formulas.

We see that in these typical cases what is involved is not collective security against an aggressor, but the very existence of the state, disputed between two governments that claim justification according to rival concepts of legitimacy, between a rebel government and a colonial power, between a governmental authority seeking to transform itself into a state and neighboring states that deny its right to a territory. In none of these can it be clearly perceived in what way a modified Charter would have facilitated the U.N.'s action or made it more effective.

THE ILLUSION OF COLLECTIVE SECURITY

The examples that we have just analyzed permit us to define the United Nations' function¹ in the world of to-day. The United Nations does not have the capacity to ensure collective security, a concept for which we vainly seek a meaning in the present world situation. Neither is it able to put an end to the cold war or diffuse a general feeling of security. The concentration of power in two continent-states, the ideological incompatibility between the

¹ It is obvious that we are considering solely the problem of war and peace, and that we are excluding social and economic functions, etc.

Soviet and the Western regimes, the reciprocal fear aroused by the accumulation of atomic bomb stock piles, and the growth in the destructive force of weapons of war are facts that it is not in anyone's power to eliminate.

The idea of world unity is the expression of a desire or of an illusion. It is of course true that the diffusion of Western civilization has spread a thin layer of uniform technology over the surface of all continents. From New York to San Francisco, passing through London, Paris, Rome, Beirut, Karachi, Bangkok, Hong Kong, Tokyo, and Hawaii, the air-line passenger will find the same airports, but he need only leave the fields to find the most varied means of transportation, from the donkey and the pushcart to the American car, the most varied clothing, ways of eating, and family institutions. In the sphere of international relations, it seems to me that the truth lies between the superficial uniformity of certain techniques and the infinite diversity of customs. The concentration of power and the progress of the means of transportation and destruction have placed the Soviet Union, Europe, the United States, China, and Southeast Asia in the same international political system. A sort of world concert has replaced what, fifty years ago, was called the concert of Europe. The diplomatic practices of Europe have become general, and the representatives of all continents and cultures converge upon New York.

But the unity of diplomatic forms, the unity of the world field of forces, does not constitute the equivalent of what was dreamed of in the ideology of "one world." Whatever may be the similarities of industrial structure in the United States and the Soviet Union, rivalry between the two countries has sprung up at first like conflicts of the past between the two leading states of

the same civilization, later like the conflict between a state bearing a new universal religion and other states.

The conflict between the two leading states is made all the more serious, in Europe, by the unnatural division of Germany and Berlin; in Asia, by the internal weakness of the states that have succeeded the colonial empires of Europe, by the confusing of nationalism and Communism, by the revolt of the peasant masses, and the frustration of the intellectuals. None of these real causes of insecurity could be obviated by a system of collective security.

RELEVANCE OF THE U.N. IN THE BIPOLAR CONFLICT

Such a system, in theory, should prevent military aggression, the crossing of the border between Bulgaria and Yugoslavia, or between the German Democratic Republic and the Federal Republic. With or without the U.N., these kinds of aggression are improbable for they would entail a serious risk of generalized hostilities. (They are improbable, that is, as long as the Soviet leaders wish to avoid a general war.) The U.N., in this situation, is not powerless, but neither is it indispensable. It reinforces the unwritten guarantee given to most countries by American determination to resist Soviet expansion. But if the U.N. did not exist, it is to be doubted whether the Soviet Union would invade Iran or Yugoslavia militarily. The existence of the U.N. makes such an eventuality even more unlikely.

The usefulness of the U.N. is more marked in the case of conflict in which Soviet ideology justifies military action, but in which Western ideology forbids it. We are thinking of the case of Korea. The esoteric doctrine of the Communists did not exclude recourse to arms to extend the reign of popular democracy to a portion of a country

still subjected to imperialism. If, in the absence of the U.N., the two governments had been on the same plane, neither one having a better title than the other, American leaders would perhaps have been more reluctant to intervene.

It must be admitted, however, that this advantage was compensated for by the difficulties resulting from the contradictions between the U.N. as an organism stating the law, and the U.N. as an organism attempting to limit hostilities. If North Korea was an aggressor, if the motion recommending that the United Nations Command unify the country was valid, China was guilty of aggression in sending its volunteers into combat. The U.N. did indeed proclaim it to be an aggressor, but shortly thereafter decided to open negotiations with the aggressor states. North Korea, which the U.N. did not recognize before June 1950, was recognized in effect at the end of its unjust war. Standing by a formalistic position, refusing negotiations with the aggressor, would have meant the risk of prolonging and expanding the war. It was judged preferable to accept the contradiction between legal and expedient action. But in the end the victim suffered as much as the guilty party, and the experience might well be as frightening to protected states as to aggressors. Even so, we may say that the U.N. tends to prevent the possible repetition of attempts to unify by force of arms countries divided between rival governments, that it aids, to a limited degree, in rallying a coalition against the aggressor without hindering realistic compromises between the two camps.

THE U.N.'S FICTITIOUS ROLE IN SMALL-STATE CONFLICT

What is the U.N.'s function in the case of conflict between two small states, both independent, neither of

which is attached to the Soviet camp? We are thinking, for example, of the conflict of India and Pakistan over Kashmir, or of the absence of a peace treaty between Israel and the Arab countries. One is hesitant to answer because it is by no means certain that events would take an essentially different course if the U.N. did not exist. Perhaps the intervention of the great powers to stop hostilities between India and Pakistan was facilitated through the use of the international organization as an intermediary. But the recommendations concerning a plebiscite, made by a U.N. mediator, have not been accepted by the state that fears the results of consulting the people's wishes. I believe, after my experience in New Delhi, that basically the leaders of India do not consider themselves morally bound to subscribe to the results of a plebiscite. Strategic or geographic arguments seem to them to win out over the desires of the populations concerned. Quite obviously, no great power is interested in using coercion to make India and Pakistan comply with U.N. law. The matter will be decided locally in a manner determined by the facts and the relation of forces. Perhaps this is a deplorable conclusion, but it would be still more deplorable for us to give way to illusions dangerous for the values we profess to defend.

As for Israel and the Arab countries, peace between them will be established not by the U.N. but, sooner or later, by the pressure of Western countries, which are as anxious to pacify local disputes outside the Soviet zone as the U.S.S.R. is to inflame them.

U.N.'S IRRESPONSIBLE SPONSORSHIP OF COLONIAL "LIBERATION"

Finally, there remains the possible U.N. action in case of conflict between "rebels" and a "colonial power." It would seem that there are as many

problems as there are concrete situations. According to the circumstances, one is tempted either to blame or to praise the U.N., never to count on a revision of the Charter to increase its merits or diminish its shortcomings.

This is not the place to evaluate French policy in North Africa. Appeal to the U.N. has resulted in many speeches condemning France, and in others, made by the representatives of the colonial powers, denying the right of the international organization to intervene in internal questions. Have these speeches influenced French leaders? I fear not; I fear they have awakened hopes in the minds of nationalist leaders, and have contributed to "hardening" the attitude of the French administration. Abstractly, one may say that the U.N., by the tribune it offers, by the ideology on which it is based, and by the inquiries it conducts, supports "liberation" movements in the nonautonomous territories of the non-Soviet world (obviously the very existence of nonautonomous territories in the Soviet Union is ignored by the U.N.). There are some who will take satisfaction in this fact. We could be surer that satisfaction is appropriate if the U.N. were able to create states and establish an order in place of those whose authority it undermines. Such is not always the case, unless a great power continues to support the structure upon which the U.N. places its seal, for example, Great Britain in the independent kingdom of Libya.

Perhaps in Southeast Asia appeal to the U.N. will favor the Western effort to prevent the sovietization of this economically and strategically important zone. The difficulty will be the same as in Korea: in Vietnam, in Laos, in Cambodia, tomorrow perhaps in Thailand, there will be two governments. There will probably be a majority in

the General Assembly ready to proclaim that in Laos and Cambodia only the non-Communist governments are legitimate, which is likely to be true there, though not in Vietnam. Even if the Communist states oppose this majority decision, it will facilitate the formation of a regional alliance and perhaps American military intervention.

It is obvious that this hypothesis will be confirmed only if the United States decides to act, and carries with it the interested parties—the threatened Asian countries and the countries of the Atlantic alliance. The U.N. cannot stop the Sino-Communist expansion which advances by infiltration, guerrilla warfare, the formation of rival governments, and the regrouping of populations scattered among several countries (the Thai). The U.N. can only facilitate the rallying of public opinion in the United States, and the creation of a common front. In other words, if governments were free to make decisions through an untrammelled exercise of authority, the U.N. would scarcely be useful. Recourse to the U.N. is less the homage paid to virtue, less the evocation of an unreal dreamworld than an acknowledgment of democratic ideologies that constitute a determining factor by the influence they exercise over the minds of men.

Perhaps it would in fact be difficult, men and circumstances being what they are, to defend Southeast Asia against Sino-Communist expansion without creating a regional alliance, itself placed under the sponsorship of the U.N., to calm the scruples of the independent states of Asia. It is obvious that this formal framework will never be more than a condition of the essential factor, namely the great powers' will to act. It would be a mistake through false realism not to recognize the necessity of this framework. It would be an equal

mistake, through false idealism, to seek in the Charter the secret of salvation and a substitute for force.

THE REALISTIC REVOLUTION AGAINST WAR

Perhaps the preceding discussion will be judged cynical. Personally, I do not so regard it. To say that the establishment of the U.N. has not essentially changed international relations is a judgment of fact, not a value judgment. The critic of these views should prove that the judgment is false before accusing us of cynicism. If he admits that the judgment is true for the past, but holds that it must cease to be so in the future, it is incumbent upon him to show in what way we may modify the fundamental conditions of the present historical situation which limit the effectiveness of the U.N.

Real discussion, beyond these observations which are difficult to refute, should deal with the significance of this analysis. Can we conceive of an international system in which the U.N. would genuinely guarantee the security of all and every one? Would it be enough to change certain elements in the situation, or would it be necessary to change the essential characteristics of relations between states as we have known them for the past six thousand years?

Such a discussion would go beyond the scope of this short study. Permit us to advance, without demonstration, the following hypothesis: the progress in arms of mass destruction or the spread of a world-wide empire will perhaps eliminate wars between states from history. I doubt whether an international organization will ever be capable of such a revolution.

Raymond Aron, Doctor of Letters, Paris, is professor at the Institut d'Études politiques and the École Nationale d'Administration. He is contributing editor of Le Figaro and author of Le Grand Schisme (1948), Les Guerres en Chaîne (1951; published in the United States as The Century of Total War), and other works.

Developing the Peaceful Settlement Functions of the United Nations

By ELMORE JACKSON

"... we are not making effective use of the legal instrument we now have. . . . the essential problem . . . is that of creating out of the United Nations an instrument of trust. . . ."

IS there enough power undergirding the efforts of the United Nations to settle political disputes? If not, what types of additional power, or authority, would contribute to the effectiveness of the U.N.'s peaceful settlement work?

These questions are basic to the considerations surrounding any Charter review conference. There is no reason, however, for these questions to be any easier to answer in the field of international disputes than would similar questions which might be asked in the field of labor-management disputes—or indeed in any form of conflict settlement. Every dispute has its own characteristics and its own human equation. The general field of dispute settlement has always been one in which generalization is hazardous. But with a Charter review conference in prospect, some analysis should now be attempted. Before venturing on this uneasy ground let us look briefly at the general setting in which the U.N.'s more specific mediation and conciliation work takes place.

Undergirding the special efforts of the United Nations to settle particular conflicts such as those in Palestine, Indonesia, Kashmir, and South Africa has been the general work of the organization in the economic, social, and trusteeship fields. By the constant adjustment of conflicting economic interests, by stimulating economic-development programs through the provision of technical assistance, by helping to establish com-

mon objectives in the social field, and by providing a framework through which dependent peoples can progress toward self-government, the United Nations is helping to channel into patterns of orderly evolution a multiplicity of problems—many of which would otherwise develop into threats to peace. This is peaceful settlement at its best—in the early stages and on a preventive basis.

No less important is the general political work of the General Assembly. Here, at the beginning of each Assembly, each national delegation has the opportunity to air its grievances, to state its concerns, and to make its contribution to the climate of opinion in which the succeeding political business will be conducted. While more and more specific disputes are being brought to the attention of the General Assembly, the Assembly is especially well adapted to the transaction of what might be called "general political business of international interest."

The Assembly is the town meeting of the world. Thus to refer to it is not to deprecate its power—as anyone familiar with a New England town meeting should know. Trial balloons are sent up—and brought down! Log-rolling and block voting take place. But beneath it all essential fact finding and fact assessing take place. Influences of conciliation and mediation are brought to bear. Important principles are delineated and agreed upon. Ad-

justments and compromises take place. This is essential international political business in the modern world—conducted as it must be in a common setting.

If the Assembly is to play an increasingly effective role in the peaceful settlement of disputes, either directly or through subsidiary bodies, must it be given more legal power through a Charter review (or revision) conference?

SCOPE AND POWERS OF THE GENERAL ASSEMBLY

While the United Nations Charter conferred upon the Security Council special responsibilities in the maintenance of international peace and security, substantial responsibilities were also given to the General Assembly. Under the Charter the General Assembly may (1) "discuss any questions or any matters within the scope of the present Charter . . .";¹ (2) "consider the general principles of co-operation in the maintenance of international peace and security . . .";² (3) "discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations . . .";³ (4) "initiate studies and make recommendations for the purpose of . . . promoting international co-operation in the political field. . . ." "Subject to the provisions of Article 12 [consideration by the Security Council], the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the

provisions of the present Charter setting forth the Purposes and Principles of the United Nations."⁴

It would be difficult, if not impossible, to distinguish any problem of peaceful settlement which would be excluded from General Assembly consideration under these broad provisions. Excepted only are questions under consideration by the Security Council. A means for the orderly and vetoless transfer of any of these problems to the General Assembly "if the Security Council is failing to exercise its function of maintaining international peace and security" is provided by the "Uniting for Peace" resolution adopted by the General Assembly in 1950, following the outbreak of the Korean War.

If the General Assembly has sufficient scope to consider any problem which might arise, what of its power to deal with this wide range of issues?

There are two principal aspects to this felt need for more power in the United Nations. The first concern is for an organization with sufficient moral, economic, political, and police strength for would-be adventurers to be deterred by this combined strength (and by predictable consequences) from embarking upon, or continuing, a course of action leading to the disruption of the international public order. A second concern is for the authority and prestige to deal with political disputes—if possible before they become threats to the peace.

The United Nations Charter distinguishes, in general, between the functions of the Organization in handling threats to the peace, breaches of the peace, or acts of aggression (Chapter VII) and the settlement of the background political disputes which may have caused the disruption of public order (Chapter VI). In the former

¹ Art. 10.

² Art 11, par 1

³ Art 11, par. 2

⁴ Art 13, par 1.

⁵ Art 14

case the Organization may make recommendations for (or, in the case of the Security Council, decide upon) measures, including the use of armed force, to maintain or restore international peace and security. In its efforts, however, to get a settlement of the political issues which may have caused the dispute, the primary reliance is upon the methods of investigation, conciliation, and mediation. In dealing with threats to the peace, breaches of the peace, or acts of aggression under Chapter VII it is even suggested that, in calling upon the parties to a dispute to comply with provisional measures, these measures might well be "without prejudice to the rights, claims, or position of the parties concerned."⁶ In its work under Chapter VI the Security Council may go so far as to recommend terms of settlement if it "deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security."⁷ Otherwise, while the Council may recommend or initiate appropriate methods or procedures of adjustment, it may make recommendations with regard to terms of settlement only on the request of the parties.⁸

It is evident that those who framed the Charter believed that the full power of the United Nations should be used to restrain threats to the peace and, if a breach of the peace or an act of aggression had already occurred, to restore international peace and security. While they were not prepared to have this same power used to enforce a particular form of political settlement, the Security Council was empowered to recommend terms of settlement if the Council concluded that international peace and security were "likely to be endangered." A similar power appears now to reside

in the General Assembly under the "Uniting for Peace" resolution.

In other types of conflict settlement a public recommendation by the mediating body has often proved an effective means of securing agreement. The fact that even this limited power of recommendation has been used so infrequently by the U.N. suggests that Charter limitations may not at the present time be a major handicap to the development of the U.N.'s peaceful settlement activities. If the members of the United Nations have been reluctant to encourage the use of that power which the Organization now possesses, it is even more unlikely that they would, barring a drastic alteration in international legal relationships, take the further step of bringing some form of compulsory arbitration more into the forefront of the U.N.'s peaceful settlement work.

NEED FOR MORE POLITICAL POWER?

Not all the advocates of more power for the General Assembly are seeking an increase in its legal power. Mr. John Foster Dulles in his speech of January 18, 1954, before the Subcommittee on the United Nations Charter of the Senate Committee on Foreign Relations, said:

In the General Assembly, each nation has one vote—is this the best arrangement? If the General Assembly is to assume greater responsibilities, then should there not be some form of weighted voting, so that nations which are themselves unable to assume serious military or financial responsibilities cannot put those responsibilities on other nations? Should there be, in some matters, a combination vote whereby affirmative action requires both a majority of all the members, on the basis of sovereign equality, and also a majority vote, on a weighted basis, which takes into account population, resources, etc.?

The Secretary obviously had in mind the exploration of possible Charter

⁶ Art. 40.

⁷ Art. 37.

⁸ Art. 38.

changes which might give more practical *political* power to the General Assembly. It is difficult in theory to argue against Charter modifications which it might at some future time be possible to achieve along these lines. The present voting system does exert certain restraints on the large powers. This makes for a system in which at times the full scope of the diplomatic resources of these powers has been used in the search for support on certain issues. While there are some countries that would look with favor on voting changes in the Assembly, it seems likely that if the United States were to emphasize such revision as one of its principal objectives in a Charter review conference, many of the small countries would lose some of their interest in such a conference. They are not likely to look with favor on revisions which would reduce their power. Even a simple majority vote on the holding of such a conference might under these circumstances be very difficult to obtain.

CREATING AN INSTRUMENT OF TRUST

In questions of the settlement of international disputes, the essential problem is not that of the legal power of the United Nations. The problem is that of creating out of the United Nations an instrument of trust which can be relied upon to render effective service in the peaceful settlement field. While certain minor adjustments in the Charter might facilitate the creation of such an instrument, the basic problem is not the formal enabling powers of the Charter. It is a question of assembling within this area of U.N. activity persons who because of their political wisdom and experience, their insight into contemporary issues, and their personal integrity inspire confidence that the vital national interests with which they deal will be handled with resourcefulness, patience, and care. It is also a question of estab-

lishing a more effective means through which certain lessons can be drawn from past experience—experience both inside and outside the United Nations.

Let us look first at this question of past experience. The United Nations staff is now engaged in the assembling of a general repertory of Security Council experience and of general experience under the Charter. But not since the Interim Committee was, for all practical purposes, laid to rest in 1950 have the members of the United Nations made any sustained effort to draw lessons from the U.N.'s past work in dispute settlement. Luis Padilla Nervo of Mexico in September 1952, on the occasion of his turning over the presidency of the General Assembly to Lester B. Pearson of Canada, suggested that the General Assembly establish a committee to concern itself with the development of the U.N.'s peaceful settlement work and that this committee operate parallel to the Collective Measures Committee. This apparently useful suggestion was not taken up by the General Assembly.

What new approaches might a review of past experience suggest?

While different disputes call for different handling there has been a general trend in recent years away from extensive debate and "instructed" commissions toward a more flexible and informal use of the United Nations' peaceful settlement facilities. It is easy to understand the reluctance of states to turn to the United Nations for help in a dispute in which they are a party if the U.N.'s first move is to be a public debate in the Security Council or in the General Assembly. The debate is certain to bring new political influences into the situation, some of them extraneous and many of them unpredictable. The general debate has the possibility of aggravating the dispute and sometimes of making its ultimate solution more difficult. Thus a state's de-

cision to submit a dispute to the United Nations is usually based on its estimate of the possibilities of picking up support for its case.

But suppose it were possible for the United Nations to provide, initially, a more informal (and less legislative) type of aid to the disputants. Might there not under these circumstances be a freer turning to the United Nations and a freer use of its facilities?

THE SECRETARY-GENERAL'S KEY ROLE

The initial point of regular informal political contact in the United Nations is the office of the Secretary-General. It would appear to have been the intention of the framers of the present Charter that the office of the Secretary-General should, in its political functions, be developed over and above that of the comparable office in the League of Nations. Under Article 99 of the United Nations Charter, "the Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security."

It is apparent that both the first Secretary-General and the present one have conceived of their role as being a broad one. Probably no single individual connected with the U.N.'s peaceful settlement work can have as much influence as the Secretary-General in building confidence in the United Nations political work and in making the Organization a "trusted instrument." In order to fulfill effectively, however, his oft-times quiet and backstage role, the Secretary-General must have a group of senior officers in the political field who can keep him constantly apprised of important developments in all major geographical regions with which he must deal. The method through which this skilled political advice is made available is less important than that it should be available within the Organization as a

whole. The dictates of good administration would appear to suggest that such a staff should either be located in the Department of Political and Security Council Affairs or attached to the Executive Office of the Secretary-General.

Supplemental to those on his own staff on whom he can call, the Secretary-General has two other principal sources of political and diplomatic experience to which he can turn—for either informal or formal assistance.

The heads of the sixty permanent delegations to the U.N. are continuously available. Some of them have had extensive diplomatic experience and many of them can be focal points of conciliation as issues are weighed and negotiated both before and during consideration by the Security Council or the General Assembly. The representatives of certain countries are often able, for reasons both of geography and interest, to be of special assistance to the Secretary-General on an informal basis. In making the United Nations a trusted instrument of political negotiation there can be no substitute for the closest diplomatic relationship between the Secretary-General and the heads of the delegations representing the Member States.

PANEL FOR INQUIRY AND CONCILIATION

The Secretary-General and the principal officers of the General Assembly and the Security Council have another diplomatic resource which could be much more fully used. On April 28, 1949, the General Assembly established a Panel for Inquiry and Conciliation. The international panel was to be composed of persons who "by reason of their training, experience, character and standing, are deemed to be well fitted to serve as members of commissions of inquiry or of conciliation and who would be disposed to serve in that capacity." Each Member State was permitted to designate

five persons. The Panel was to be available to the Security Council and the General Assembly, to their subsidiary organs, or to Member States involved in controversies. The method of selection was to be determined in each case by the appointing organ. Upon the joint request of the parties to a controversy, appointment could be by the Secretary-General, the President of the General Assembly, or the chairman of the Interim Committee. The administration of the Panel was lodged with the Secretary-General.

The theory behind the Panel was an eminently good one. It was believed that it would facilitate the U.N.'s dispute settlement work to have in being a roster of persons well qualified for service as members of mediation or conciliation commissions—persons who in accepting designation had entered into certain informal undertakings as to availability and interest and who were of sufficient eminence to have been designated by their own governments. Initial designations were for five years. These five years have elapsed, and the time has now come for the Panel to be reconstituted.

The United Nations Charter encourages parties to a dispute to attempt to settle the conflict themselves before bringing it to the United Nations. Should disputing parties not at times be encouraged to turn to the international Panel and by agreement to secure the services of one of its members as a mediator and conciliator? Following the lead given by other types of contracts or commercial agreements, treaties between states might provide for certain types of disputes under the treaty to be subjected to mediation or to arbitration by a qualified person selected from the Panel by the two parties or by the Secretary-General. The Panel has to date been used only once—in the selection by the Security Council of Dr.

Frank P. Graham as mediator in the India-Pakistan dispute over Kashmir. The Panel constitutes a resource for peaceful settlement which could be more fully used by the United Nations.

President of General Assembly in conciliatory work

The trend toward a more informal type of political negotiation is further indicated in the increasing use which has been made of the office of the President of the General Assembly. At the first part of the third session of the General Assembly, held in Paris in 1948, Mr. Evatt of Australia was associated with an effort, authorized by the Assembly, to conciliate the dispute over the Greek children. In 1950, as President of the Assembly, Mr. Entezam of Iran served as chairman of two different good offices commissions set up by the General Assembly in an effort to seek a solution of the Korean conflict. During the fall of 1951 Mr. Padilla Nervo of Mexico, as President of the Assembly, served as the chairman of a closed conference of the principal powers concerned which made an effort, during the Assembly, to break the disarmament deadlock. Mr. Pearson of Canada during his presidency of the General Assembly in the fall of 1952 was deeply involved in efforts to achieve an armistice in Korea.

Possibilities of the Panel

The articles relating to the composition and use of the Panel for Inquiry and Conciliation permit the President of the Assembly and the Secretary-General to appoint persons from the Panel to undertake tasks of inquiry or conciliation when requested to do so by a treaty or by the parties to a dispute. There would appear to be no reason, however, why the President of the General Assembly and the Secretary-General could not, if they so desired, as-

sociate some member of the Panel with them in any informal conciliatory work in which they were engaged. Both men are free to appoint such assistants as they require. Through such informal association, experience could be gained against the time when formal appointment might be made by conflicting parties or some special responsibility assigned by the Security Council or the General Assembly. Persons from the reconstituted Panel could be asked occasionally to serve as rapporteur of the Security Council, in keeping with the recommendation of the Interim Committee in April 1949.

The history of international mediation has been a history of the search for the impartial and effective third party. We have commented on the importance of having readily available, competent, and impartial individuals who are in a position to use their good offices in disputes previous to or during the more formal consideration of these questions by one of the established organs of the United Nations. Let us now turn to alternative methods that might be employed by the Security Council, the General Assembly, or a subsidiary organ in the consideration of disputes.

PRIVACY IN NEGOTIATION

It has been suggested that a rapporteur might be appointed to negotiate with the parties following the opening statements by the parties in the Security Council or in the General Assembly. The President of the Security Council has at times performed this function. There are times when it is desirable for the opening statements of the parties to be followed by statements on the part of other members which reveal the degree to which sentiment exists for peaceful settlement—or for a particular type of settlement. To allow the debate to go on to the passage of a resolution frequently results, however, in a hard-

ening of positions and an exacerbation of the conflict.

It has been suggested, therefore, that the Security Council and possibly even the General Assembly should experiment with a plan under which, in certain cases, it would terminate debate following the principal statements on the part of all interested parties and at that point turn the negotiation over to a more private treatment. This suggestion is well worth exploring. It is not unlike the use of working parties which has been developed by the Assembly during two of its recent regular sessions. We have mentioned the working party approach as used on the disarmament question at the 1951 session of the General Assembly in Paris, when the debate in the Political Committee was adjourned to permit a ten-day closed conference of the countries principally concerned to meet under the chairmanship of Mr. Padilla Nervo, the President of the Assembly. A similar approach was used by the Second Committee during the 1953 session, when a subcommittee met in closed session under the chairmanship of Mr. Mates of Yugoslavia in an effort to reach agreement on the Special United Nations Fund for Economic Development.

Perhaps enough has been said to indicate that the United Nations has by no means exhausted the possibilities of further shaping its procedures and its personnel in ways which could aid it in gaining the confidence and trust of its members in its work in peaceful settlement. It is not so much by reaching after the spectacular as by "month to month" gains in these areas that the U.N.'s reputation will eventually be built.

POWER TO RECOMMEND TERMS OF SETTLEMENT

Let us return now to the question of the power of the Security Council or of

the General Assembly, or of one of their subsidiary organs, to recommend terms of settlement to parties in dispute. We have indicated that this was a power which the United Nations has thus far been reluctant to use. Mediators or conciliation commissions have frequently urged the parties in private to accept particular terms of settlement, but the Council and the General Assembly have been chary of attempting to go on record on behalf of such detailed terms. The veto is a constant hazard in the Security Council, and the General Assembly because of its size is hardly adapted to the detailed consideration required in these matters. Furthermore, such resolutions tend to freeze the situation and reduce possibilities of later compromise. There are, therefore, substantial arguments against more frequent attempts by the Security Council or the General Assembly to recommend specific terms of settlement.

Could not a case be made, however, for subsidiary negotiating organs, appointed either by the Security Council or the General Assembly, to have more freedom to make recommendations for settlement, and to release these recommendations if they felt that public consideration of them might promote a settlement? It seems likely that if the negotiating organs had the power to publicize recommendations, the disputing parties might take these recommendations more seriously in the preceding private negotiations. We have suggested that this has been the experience in other types of conflict settlement. It is the usual practice for the parent body to retain its freedom of action, but public discussion of recommendations made by a subsidiary body enables both parties to assess more accurately their respective positions—and the needs and possibilities of compromise.

It would undoubtedly be very much

easier for U.N. commissions and mediators to develop and use recommendations if, as proposed by the Vandenberg resolution adopted by the Senate in June 1948, the veto could be removed by voluntary agreement from "all questions involving peaceful settlement of international disputes and situations." The Security Council would then be able by simple majority vote to fix flexible terms of reference for its subsidiary negotiating bodies. It would also be freed to give more active support to such bodies, including, if it appeared in order, support to either general or specific recommendations for settlement.

To what extent is Article 37 of the Charter a handicap to the development of this procedure? This article permits the Security Council to make recommendations on terms of settlement in cases in which the Council decides "that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security." The General Assembly has not been given such powers explicitly, but it would be difficult, following the series of Assembly resolutions on Palestine and the subsequent passage of the "Uniting for Peace" resolution, to maintain that such powers were lacking.

There is an understandable reluctance among states to have disputes to which they are a party deemed a danger to the peace. The words of Article 37, however, are mild ones—"likely to endanger." It would be difficult in this anxious and frequently trembling world to conclude that any dispute between two countries of sufficient importance to be put on the agenda of the Security Council or the General Assembly did not in fact fall into this category. There may be times, however, in which it is not politic or conducive to a prompt settlement to say so. It might thus be wise, at some time when other Charter revisions are being made, for Article 37

to be redrafted. In the meantime, in an international situation in which we are in much need of plain speaking about the importance of avoiding disturbances to the peace, this Article should not be a serious handicap to the development and use of the power to recommend terms of settlement.

In a world so unsteady by the ever present possibility of the misuse of unprecedented power, who is there among us to say that our intergovernmental institutions would not serve us better if they could, with common consent, be substantially altered? But any such common consent will only flow from a much clearer conviction than appears now to be evident that our principal dif-

ficulty lies in Charter limitations. Any general sampling among those reasonably well versed in United Nations affairs would, I believe, show an overwhelming conviction that we are not making effective use of the legal instrument we now have. Greater use can be made of the offices of the Secretary-General and the President of the General Assembly. The Panel for Inquiry and Conciliation can be reconstituted. Further use can be made of the power to make public recommendations. While we seek opportunities and agreements to perfect the Charter, let us realize that in creating an institution of trust, it is the human equation that makes the greatest difference.

Elmore Jackson, New York City, is director of the Program at the United Nations of the American Friends Service Committee. He has served as personal assistant and political officer to the United Nations mediator in the Kashmir dispute between India and Pakistan. He was for a time personnel director and later assistant executive secretary of the American Friends Service Committee. He is the author of Meeting of Minds (1952), a comparative study of conflict settlement in the labor and international fields.

Barriers to the Expansion of United Nations Economic Functions

By RAYMOND F. MIKESELL

"... while there is plenty of room for improvement in the organizational structure of the United Nations and its specialized agencies, the basic problems with respect to the role of the U.N. in economic and social affairs cannot be resolved by changes in its constitution ... International economic co-operation ... must be based on a foundation of political security and trust."

THE United Nations Charter rightly recognizes the intimate relationship between international peace and security and the solution of economic problems. Paragraph 3 of Article 1 of the Charter states as one of the purposes of the U.N. "To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character. . . ." In addition members pledged themselves "to promote social progress and better standards of life in larger freedom" and "to employ international machinery for the promotion of the economic and social advancement of all peoples." But the U.N. has no power to compel action in the economic and social sphere on the part of its members, nor was it given a clear authority to initiate action beyond the making of studies and recommendations, preparing international conventions for the signature of governments, and convening international conferences. The Organization could, however, perform services upon the request of member governments, and there is no limit to the number and functions of specialized agencies which might be created for operating assignments.

The question of how far the U.N. should extend itself into the field of operations for implementing the purposes of the Charter in the economic

and social field has rarely been debated as a constitutional issue, and a change in the language of the Charter could scarcely be expected to resolve the fundamental differences among the members in this field. Moreover, it is difficult to see how a formula could be devised, and still less agreed upon, which would provide the answer for all situations which may arise in the future. Take for example the United Nations Korean Reconstruction Agency (UNKRA). Korean relief was a responsibility of the United Nations arising out of the Organization's "police" action in Korea. Similarly relief and resettlement of the Palestine refugees is intimately related to the political activities of the U.N. in connection with the Arab-Israeli war.¹ Even if it were considered desirable for the U.N. to refrain from administering action programs in the economic field, it cannot escape responsibility for economic problems growing out of its political or military activities.

So long as the principle of noninterference with the internal affairs of the members is maintained and so long as members cannot be required to con-

¹ The General Assembly established in 1950 the United Nations Relief and Works Agency for Palestine Refugees in the Near East to administer a program of relief and rehabilitation among the Arab refugees

tribute specific sums of money for special economic and social activities, the problems of implementing the economic and social objectives of the U.N. will continue to be dealt with on an evolutionary basis and will be governed in large measure by the political relationships between and the political attitudes within the Member States. It is the position of this paper, therefore, that while there is plenty of room for improvement in the organizational structure of the United Nations and its specialized agencies, the basic problems with respect to the role of the U.N. in economic and social affairs cannot be resolved by changes in its constitution. The nature of these problems will be discussed in the remainder of this paper.

THE ECONOMIC AND SOCIAL COUNCIL

Chapter X of the United Nations Charter established the Economic and Social Council (ECOSOC) as the principal U.N. organ, under the General Assembly, for discharging the functions of the U.N. in the field of international economic and social co-operation outlined in Chapter IX of the Charter. The Council is a political body of eighteen members, with a number of functions requiring a variety of competence and organizational structure for effective fulfillment. The Council undertakes studies, issues reports, and makes recommendations on a wide variety of economic and social matters. To assist in this work it has established commissions such as the Economic and Employment Commission and the Fiscal Commission, which are composed of government nominees who debate issues in public session for the benefit of their constituents, just as do the members of the Council when the resolutions are referred to that body. Since the functional Commissions have tended to be little more than subarenas for the cold-war debate, most of them have been in-

active in recent years. The Council's other duties include the co-ordination of the activities of the specialized agencies, calling conventions for the establishment of new specialized agencies, advising the General Assembly, and performing services at the requests of members of the U.N.² Thus ECOSOC combines in one agency the functions of one or more specialized agencies, that of a co-ordinator of other specialized agencies, an economic and social adviser, a research institute, a high level forum for debating divergent social and economic philosophies, and a propaganda medium for the opponents in the cold war. While it is not the primary purpose of this paper to discuss organization, it would appear that the ineffectiveness of the U.N. may be due in part to the multiplicity of its functions. In addition, there should be a clear distinction between bodies which are supposed to do a technical job and those whose members represent governments and which are supposed to negotiate and debate. Finally it should be recognized that serious negotiations cannot be conducted in public forums.

A more fundamental barrier to effective action by ECOSOC in implementing the purposes of the Charter is to be found in the cold war itself and in the lack of any political basis for co-operative action between the East and the West on economic and social matters. While this barrier has been dealt with in certain of the specialized agencies through the virtual exclusion of Soviet bloc members, the most important operative organs, the Organization for European Economic Co-operation (OEEC), the North Atlantic Treaty Organization, and the European Pay-

² For a critical discussion of ECOSOC see A. Loveday's "Suggestions for the Reform of the United Nations Economic and Social Machinery," *International Organization* (World Peace Foundation), August 1953, pp 325-41.

ments-Union (EPU), have been entirely outside of the U.N.

It has been suggested that the Economic and Social Council and the General Assembly could carry out their functions more readily if they had greater powers over the operations of the specialized agencies, particularly those with substantial resources at their disposal. There is no doubt that better co-ordination is needed between the specialized agencies, particularly in the field of technical assistance, and perhaps between technical assistance and the leading activities of the International Bank for Reconstruction and Development (IBRD). There are also problems of co-ordination between the contracting parties to the General Agreement on Tariffs and Trade (GATT) and the International Monetary Fund (IMF) which have not been satisfactorily dealt with. However, if the U.N. were given powers over the IBRD or the IMF it would strike at the principle of weighted voting in these institutions. Moreover, not all U.N. members belong to each of the specialized agencies, and these agencies would not welcome dictation by nonmembers.

THE SPECIALIZED AGENCIES

Many of the international agencies responsible for implementing the broad economic and social objectives of the U.N. either had been established or had had their charters negotiated before the U.N. came into existence. These organizations include the International Labor Organization (ILO), the Food and Agricultural Organization (FAO), the International Monetary Fund, the International Bank for Reconstruction and Development, the Universal Postal Union, and the International Telecommunication Union, to name a few. These organizations tend to have highly specialized functions and operate on the basis of international agreements

with respect to the rules of conduct in their respective fields. Except for the Fund and the Bank the operations of these agencies do not involve large amounts of money. The Fund and the Bank make loans in accordance with well-defined criteria. Moreover, the interests of the countries supplying the bulk of loan funds are well protected by a system of weighted voting and in the case of the Bank, by the necessity of maintaining the confidence of the American money market in the soundness of the Bank's obligations.

Several specialized organizations carry on technical assistance activities related to their special fields. These include the World Health Organization (WHO), FAO, ILO, and the United Nations Educational, Scientific and Cultural Organization (UNESCO), whose technical assistance activities are co-ordinated to a degree at least by the Technical Assistance Board of the U.N. The technical assistance functions of the U.N. will be taken up in a later section.

Finally, certain specialized agencies have been created by the U.N. for dealing with emergency relief and rehabilitation problems. These include the United Nations International Children's Emergency Fund (UNICEF), the International Refugee Organization (IRO),³ the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and UNKRA in Korea. While these organizations have distributed substantial sums of money for economic assistance, they have special characteristics which distinguish them from certain other types of economic aid programs which have been suggested as appropriate for the U.N. With one exception, they are emergency programs for particular areas or groups of peoples and deal with problems arising out of political or

³ Now terminated.

military developments in which the U.N. has been closely associated. Moreover, in the case of Arab refugee relief, the complex political nature of the problem would have made it difficult for individual countries like the United States to deal with it on a unilateral basis.

In the light of the controversy over the continuation of the United Nations Relief and Rehabilitation Organization in 1946—an organization which antedated the U.N.—we might raise the question as to whether or not all relief problems should be handled by a U.N. organization. Aside from the political split between the East and the West, in which UNRRA ultimately foundered, there are other difficulties inherent in multilateralized charity. There are first of all no adequate criteria for relief needs on a national basis, although starvation and the absence of clothing and shelter represent fairly definitive criteria for individual needs. But the question of whether or not a nation can or should meet the relief needs of its own people without outside help is a politico-economic one of the greatest complexity. There are countries where millions of people live their lives at what the Western world would regard as a subrelief standard. A relief standard to some peoples would seem like luxury to others. If Greece has civil disorder and widespread crop failures combined with an earthquake or two, should she receive relief or be asked to draw down her exchange reserves or borrow from the IBRD, the IMF, or the Export-Import Bank?

International relief in general is too broad and too vague a function to be administered by an international political body. It is extremely difficult to establish definite criteria for the carrying out of such a function by an international secretariat, and its administration by a large committee of

members might mean little more than a political grab bag.

REGIONAL ORGANIZATIONS

The principal regional organizations within the U.N. framework are the Economic Commissions for Europe (ECE), for Latin America (ECLA), and for Asia and the Far East (ECAFE). Their activities, like those of the Economic and Social Council itself, are largely in the realm of study and debate, directed toward the economic problems of their respective regions. But the great diversity of economic structure and interests and the wide differences in political orientation which exist among the nations and territories of these huge geographical areas make these groupings somewhat artificial. An organization designed to deal with economic problems must have something more in common than geography. There must be at least a minimum of political cohesion and agreement on common goals, and there must be economic problems which are not only common to the geographical area but are capable of solution on a group basis.

Trade and foreign exchange relationships provide the most promising field for group action on a geographical basis, especially if the economies are sufficiently complementary to make possible and advantageous a larger amount of intra-area trade. This is true to a high degree in Europe, except that the split between the East and the West greatly limits the effectiveness of the ECE in the field. There are some possibilities for improving trade relations among the countries of the Far East by reducing trade barriers or the formation of customs unions. However, the fact that trade within the area is largely financed with Western European currencies which are already more or less interconvertible greatly limits the need for action in the

field of foreign exchange. In Latin America the opportunities for an expansion of intraregional trade are far less promising, and the countries are divided between those which trade on a dollar basis and those which trade on an inconvertible basis. Solution to this problem must be found outside of the area.

Contiguous countries may find a basis for co-operation in the field of economic development, particularly in the development of rivers flowing through the territories of both, but it is difficult to see how effective co-operation in the development field can take place between Indonesia and Pakistan or between Ecuador and Argentina. Under certain conditions transportation and communications provide a basis for regional co-operation. Regional development funds would seem to make sense only if capital exporting countries are included in the region, and even here the economic advantages of regional over free-world funds or loan institutions are sometimes difficult to see. On the other hand, there may be a political basis for regional activity. For example, the United States might want to establish an intra-American bank, such as was planned before the war, as a part of a program of hemisphere solidarity.

It is worth noting that the most important regional economic organization from the standpoint of its concrete accomplishments is the OEEC, which is not associated with the U.N. This is an organization originally established in response to a request by the United States for joint planning of European recovery and composed of states with certain common political and economic aims. However, its greatest achievements lie in the field of trade and foreign exchange.

The purpose of the above remarks is not to deny the desirability of regional commissions as forums for the discus-

sion and study of regional problems, but to raise certain questions as to their feasibility in the field of operations. Special regional organizations can only be effective in the fields of trade, finance, communications, and joint development if there exists a concrete basis for joint action in these fields. Geographical orientation alone is not a basis for action on a regional basis.

ECONOMIC DEVELOPMENT

The demand for expanded economic functions of the U.N. stems largely from those who believe that economic development should be promoted by large grants and so-called soft or non-bankable loans, on a multilateral basis. This view is by no means confined to the representatives of the underdeveloped areas, although official support for U.N. development programs involving substantial sums of money is largely confined to the spokesmen for the underdeveloped countries.⁴ A contingent endorsement of the principle of a substantial U.N. development fund was given by the United States when it initiated a resolution in the U.N. General Assembly favoring the establishment of such a fund when sufficient progress had been made in internationally supervised disarmament.⁵ However, the United States has recently opposed the establishment of the proposed Special United Nations Fund for Economic Development (SUNFED) which provides for initial contributions total-

⁴The International Development Advisory Board in its Report to the President of the United States recommended the establishment of an International Development Authority to operate under a management contract with the IBRD. The Authority would have an initial capital not to exceed 500 million dollars of which the U. S. subscription would be 200 million dollars. *Partners in Progress*, Washington, D. C.: U. S. Government Printing Office, March 1951.

⁵This resolution was adopted on December 7, 1953.

ing 250 million dollars. SUNFED was not officially opposed in principle but on the grounds that continued world tensions and the large United States defense and foreign aid budgets make a substantial contribution from the United States unwise at this time. However, many United States officials and Congressmen are privately opposed to the proposal in principle. Somewhat less controversial is the position that the activities of the U.N. Technical Assistance Board, which now operates on a budget of about 20 million dollars, should be substantially expanded.

Few would deny that there is a close relationship between world peace and security on the one hand and the realization of the aspirations of the peoples of the low-income areas of the world for a better life on the other. The fact that these areas are the most important battle ground in the cold war makes the promotion of economic development a vital aspect of the free world's struggle against Communist aggression. However, the fact that the U.N. includes the Soviet bloc has led many people to doubt the appropriateness of U.N. action in this field.

The basic argument for international programs for economic development as against unilateral ones administered by the capital-supplying countries is that only in this way can foreign aid be divorced from the sordidness of international politics and the fear of political dictation by the Western powers. It is also argued that an international institution can have a greater influence over the internal economic policies of the recipients of loans and grants, since recommendations from international civil servants are less likely to be considered as being motivated by special political or economic interests of foreign powers. Thus the countries from whom the bulk of the money for economic development must come are asked to

employ a nonpolitical instrument for achieving what they regard to be long-term political or security objectives.

Difficulties of international economic programs

This thesis must, I believe, stand or fall on whether or not the internationalized activity is capable of being administered by technicians and administrators in accordance with objective criteria upon which the Member States are in reasonable agreement. If decisions as to the allocation of funds must be made in part at least on the basis of political interests of the members, the members contributing the bulk of the resources will insist either upon a veto or upon dominating the management of the organization. But an institution whose policies are dominated by the United States and a few Western powers may fail to satisfy the desire of the underdeveloped countries for an international institution whose policies are determined on a one country-one vote basis.

The experience of the IBRD provides a case in point. For various reasons the Bank is largely dominated by the United States, a fact which is frequently referred to by other countries. The Bank's charter lays down some rather specific rules for the guidance of its management, rules based on what have been regarded as conservative financial principles. And while one may argue that the Bank has been over-conservative in the implementation of those rules, they provide at least an approach to objective criteria for the administration of a loan fund by international civil servants. Yet if the Bank's policies were controlled on the basis of one country-one vote, its operations would undoubtedly be fraught with political difficulties and disagreements. Some countries have taken the position that the Bank's lending and loan-super-

vising policies represent an undue interference with their sovereignty. In fact some have expressed a preference for Export-Import Bank loans over those made by the IBRD on the alleged grounds that the standards of the United States government institution are somewhat more liberal.

While the criteria for the administration of an international grant fund would be somewhat less objective, it is quite possible to develop criteria for making capital grants in terms of the soundness and priority of the projects. In fact the standards for making sound capital grants which are capable of expanding the social product by something more than the rate of depreciation are similar to those for making bankable loans. It is quite likely therefore that the problem of allocating grants among the various claimants on an international fund would be solved for a time at least by a dearth of sound projects. But would such policies be satisfactory to a democratically chosen board of directors of an international grant fund? Or would the countries which made available the bulk of the resources be satisfied with what they might regard as unsound and wasteful policies?

There is perhaps an even more serious barrier to internationalized economic assistance today. Foreign aid, particularly in the United States, has come to be regarded as a political weapon for achieving specific objectives in the cold war. While it is true that we share the more fundamental objectives with the other countries of the free world, there are special political and economic objectives of the United States which could not always be realized through a multilateral development fund. For example, the international agency might not adopt the same regulations with respect to the trade relations between the aid recipient and the Soviet bloc which the United States

requires of bilateral aid recipients. Or this country might want to deny aid entirely to countries with neutralist or Communist leanings, or to give the bulk of the aid to certain countries in strategic positions. On the economic side the United States has sought to make foreign aid available in certain forms such as surplus agricultural commodities, and has required that a portion of its aid funds be spent exclusively for United States commodities and that 50 per cent of the aid exports be carried in United States ships. Without passing judgment on these objectives, it is safe to say that these specific political and economic objectives could not well be realized in an international organization.

Technical assistance

Technical assistance, provided it does not involve a large element of commodity aid, is free of many of the difficulties referred to in connection with internationalized development grants. Technical assistance is necessarily limited by the availability of well-defined projects and of specially trained personnel. Within the free world at least the sharing of technical knowledge and experience has not given rise to political controversy and the criteria of administration can be made reasonably objective. In spite of problems of coordination and duplication, the technical assistance activities of the U.N. have been fairly successful, and there has been little political bickering over the allocation of the funds made available by the Technical Assistance Board. U.N. technical assistance has some real advantages over bilateral programs, principally because the former is non-political and also because the U.N. can draw its experts from all over the world. Its principal disadvantage as compared with the United States program is the lack of integration with loan and grant

programs including the administration of counterpart funds. As long as the United States has large bilateral foreign aid programs it is unlikely that it will disband its own Point Four activities in favor of wholly international technical assistance.⁶

ECONOMIC STABILITY

Second only to economic development is the demand that the U.N. take action in promoting international economic stability and preventing sharp fluctuations in the prices of primary commodities. This has been the subject of three reports to the Secretary-General of the U.N. by committees of experts,⁷ has been discussed in a number of publications of the U.N. Secretariat, the Commissions, and the specialized agencies, and has been widely debated within the U.N. Three types of programs to be administered by the U.N. or its specialized agencies have been proposed for dealing with international economic instability: (1) stabilization of the flow of international capital through an expansion of the lending activities of the IBRD; (2) stabilization of the flow of international trade by requiring countries whose imports have declined by reason of a fall in internal business activity to make available additional amounts of their currency to the International Monetary Fund for meeting deficits of countries whose exports have declined; and (3) international commodity stabilization schemes.

A discussion of the technical details

⁶ For an excellent discussion of this problem see W. R. Sharp, "The Institutional Framework for Technical Assistance," *International Organization*, August 1953, pp. 342-79.

⁷ See *National and International Measures for Full Employment*, December 1949; *Measures for International Economic Stability*, 1951; and *Commodity Trade and Economic Development*, 1953, all prepared by committees of experts for the U.N. and published as U.N. documents

of these proposals, which have been developed in U.N. reports and debated in the Economic and Social Council, cannot be undertaken within the space of this article. Each of them would require substantial sums of money to be subscribed largely by a few countries to international agencies for use in implementing rather broad economic objectives. While it may be possible to devise automatic rules for the guidance of administrators in these fields, the technical details of each of these proposals have been severely criticized by leading economists who are both competent and internationally minded.⁸ In fact the major proposal for stabilizing trade contained in the U.N. report entitled *National and International Measures for Full Employment* was criticized in a subsequent U.N. report of experts under the chairmanship of Professor James W. Angell entitled *Measures for International Economic Stability*. Satisfactory means of determining the causes of a decline in a country's imports do not exist. Nor is it always possible to stabilize the total flow of investment capital through public lending agencies while at the same time following investment standards which could be agreed upon by both the capital lending and the borrowing countries alike. Equally difficult would be the determination of criteria for commodity price stabilization which would be acceptable to both consuming and producing countries. However, there is good reason to believe that an international buffer stock scheme could be administered successfully on the basis of objective criteria, provided these criteria could be agreed upon by all countries concerned, and

⁸ See for example Jacob Viner's "Full Employment at Whatever Cost," *Quarterly Journal of Economics*, August 1950, pp. 385-407; and H. C. Wallich, "United Nations Report on Full Employment," *American Economic Review*, December 1950, pp. 879-83.

provided the secretariat were left free from political interference.

But the problem goes deeper than that of devising administrative criteria and technical standards. Each of these action programs involves conflicting national interests which cannot be resolved by international secretariats operating institutions in accordance with broad objectives. The operating decisions of these proposed institutions are in large measure political, and an international political climate which would make it possible to leave the proposed functions to an international secretariat simply does not exist.

TRADE AND FOREIGN EXCHANGE

Postwar experience has indicated that the field of trade and foreign exchange is one of the most fruitful areas for multilateral action programs. The most successful organization in this field has been the OEEC, which organized the European Payments Union and administers the Code of European Trade Liberalization.⁹ World disequilibrium and the dollar shortage have limited the effectiveness of the International Monetary Fund and the General Agreement on Tariffs and Trade, but once convertibility of the major trading currencies is restored, these institutions should have greater success in obtaining compliance to a code of fair trade and exchange practices. Their strength must lie in persuasion through consultation rather than any attempt to enforce a rigid set of rules through sanctions.¹⁰

The Fund, like the IBRD, administers substantial resources for specific purposes laid down by its charter, and their employment is controlled in large

measure by the United States government. From its inauguration it has been criticized on the grounds that (1) it does not permit automatic access to its resources by members in accordance with a fixed formula to be administered by the secretariat and (2) that it has been too niggardly in its lending policies. The fact is, however, that the United States would very likely withdraw from the Fund if the dollars which it has contributed were not used in accordance with what it regarded as reasonably sound financial policies. This country has insisted that the Fund's resources be carefully managed by its politically appointed executive board and not left to the decisions of international civil servants.¹¹ Schemes advanced both in this country and abroad for an automatic international clearing union not only have little chance of acceptance in this country but overlook the basic political element in all international economic assistance.

CONCLUSION

International economic co-operation, except possibly in a few innocuous areas such as the exchange of freight cars, must be based on a foundation of political security and trust. Moreover multilateral action programs in the economic field require common political objectives, since action at a governmental level cannot be divorced from political aims. This would seem to rule out most forms of economic co-operation between the free world and the Soviet bloc, and certainly will make impossible multilateral action programs involving objects of national interest such as trade and money. Thus joint membership in international economic organizations other than debating so-

⁹ The International Materials Conference had a considerable degree of success in the allocation of scarce sources within the free world.

¹⁰ See R. F. Mikesell, *Foreign Exchange in the Postwar World* (New York: Twentieth Century Fund, 1954), Chap. XXII.

¹¹ See R. F. Mikesell, *United States Economic Policy and International Relations* (New York: McGraw-Hill Book Company, 1952), pp 157-62.

cieties can only be successful if the free world can control the organizations so as to prevent their being sabotaged by the Soviets. This represents perhaps the major barrier to any expansion of U.N. economic activities in which the Soviet bloc participates to any significant degree. There is simply no common ground for joint economic activity between nations where one is seeking to destroy the others.¹²

Apart from the basic contradictions inherent in action programs in U.N. organizations involving both the free world and the Soviet orbit, there are severe limitations on U.N. activities which involve substantial expenditures of funds even when the activities are confined to non-Soviet countries. Economic assistance programs in specific areas or situations in which the U.N. has assumed military or political responsibility represent an appropriate and perhaps necessary field of U.N. activity. On the other hand economic assistance programs for budgetary support or economic development for large areas inevitably involve conflicting national interests which cannot be dealt with by a nonpolitical secretariat. Where such institutions exist, as in the case of the International Bank and the International Monetary Fund, their policies necessarily tend to be dominated by

the major creditor country. Criteria for the dispensing of grants are less definite and objective than those provided by the charters of the Bank and the Fund. The possibility of international action programs in this field will depend largely upon (1) the willingness of the underdeveloped countries to accept the more conservative standards of the countries supplying the bulk of the funds, plus a considerable degree of domination of the management by these same countries; and (2) the willingness of the United States to give up certain national political and economic objectives in the administration of that portion of her total aid program which is taken over by an international body.

Economic action programs have been most successful in the fields of trade and foreign exchange relations, but the most important work has been done by regional organizations outside the U.N. Overshadowing all U.N. activities are the political relations between the Soviet and the free world and, to an increasing degree, divergent political attitudes among the free-world states toward the Soviet orbit and the cold war. While this problem has been solved by some specialized agencies by the virtual exclusion of Soviet members or by de facto domination on the part of the major Western powers, an extension of U.N. activities into other fields of economic activity may be inhibited either by the necessity of including Soviet members or by divergent cold-war philosophies among the free-world members themselves.

¹² Until recently the Soviet bloc had not contributed to the economic and social programs of the U.N. The recent action of the Soviets in contributing to the Technical Assistance Board may envisage a change in this policy.

Raymond F. Mikesell, Ph.D., Charlottesville, Virginia, is professor of economics at the University of Virginia. For a number of years he served as consultant on foreign exchange to the Department of State. He took part in the monetary and financial conferences at Bretton Woods (1944) and Savannah (1946), and has been a staff member of several government missions abroad. He is the author of United States Economic Policy and International Relations (1952), Foreign Exchange in the Postwar World (1954), and numerous articles on international economic organization.

Human Rights and Charter Revision

By QUINCY WRIGHT

"... retrogression in the effort to protect human rights will be temporary. . . . But without an adequate world opinion and suitable national policies real progress cannot be made. *With* them, the already existing procedures of the Charter permit of continuous progress."

THE effort to protect human rights by international law was not initiated by the United Nations Charter. The conception of a natural law of universal obligation defining certain rights of man was elaborated by Greek philosophers and Roman jurists. This conception figured in the writings of patristic and medieval theologians and in the theory of the Renaissance jurists, who utilized it as the basis for an international law binding sovereign states. Francisco de Vitoria, in his *Relectiones de Indis et de jure belli* of 1532 which initiated that discipline, asserted that denial of the natural rights of trade and missionary activity to the Spaniards by the Aztecs was sufficient grounds for the conquest of Mexico by Cortés. The subsequent classical treatises on international law generally conceived that law as protecting the fundamental rights of individuals as well as of nations. In the eighteenth and nineteenth centuries, however, international law emphasized the rights of nations. Preoccupation with the sovereignty and independence of states induced a neglect of the rights of individuals. States were said to be the only subjects of international law and were free to deal with their nationals in their territory as they saw fit.¹

Nevertheless interventions to stop

¹ George Manner, "The Object Theory of the Individual in International Law," *American Journal of International Law*, Vol 46 (July 1952), pp. 428 ff

pogroms, persecutions, and inhumanities which "shocked the conscience of mankind" occasionally took place and were considered justifiable, though on moral rather than strictly legal grounds.²

More concrete definitions of human rights developed during the latter part of the nineteenth century in diplomatic pronouncements and arbitral awards establishing the "international standard" to be applied in the treatment of aliens within a state's territory,³ several general treaties came into force concerning the rights of soldiers, sailors, prisoners of war, aborigines, minorities, workers, and women.⁴

The League of Nations system, though designed primarily to protect the rights of nations, especially small nations, affirmed the duty of states to maintain

² Ellery Stowell, *Intervention in International Law* (Washington, D. C.: John Byrne & Company, 1921).

³ Edwin M. Borchard, *The Diplomatic Protection of Citizens Abroad*, New York, 1919.

⁴ Geneva Red Cross Conventions, 1864, 1906, 1929, 1949; Hague Conventions on the Rules of Land Warfare and on adaptation of the Geneva Convention to maritime warfare, 1899, 1907; Berlin treaties regarding the Near East, and Central Africa, 1878, 1885; Brussels slave trade convention, 1890; white slavery conventions, 1904, 1910; conventions prohibiting white phosphorus in the match industry and night work for women in industry, 1906. All general international conventions from 1864 to 1914 are listed, and those of later date are printed in full in Manley O. Hudson, *International Legislation*, 9 vols. (Washington, D. C. [Vols. I-VII] and New York [Vol. IX]: Carnegie Endowment for International Peace, 1931-1950)

"fair and humane treatment" to labor and to secure "just treatment" to the native inhabitants of their territories.⁵ The mandates system and the International Labor Organization were established to develop standards of such treatment and to provide procedures for maintaining those standards. Treaties and procedures for the protection of minorities in a number of countries were also developed within the League system.

President Franklin D. Roosevelt's assertion of the "Four Freedoms" in January 1941, the Atlantic Charter of August 1941, and the Declaration of the United Nations of January 1942, which established the protection of human rights as an objective of the war, were a response to the "shock to the conscience of mankind" by the Nazi barbarities to Jews and liberals. These pronouncements were implemented by prosecutions of "crimes against humanity" in the Nuremberg and other war crimes trials; in the reaffirmation of "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women" by the Preamble to the United Nations Charter; and in the many clauses of the Charter pledging the United Nations and its members to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." Realization of these commitments has been imperfect.

In the perspective of history, efforts to implement the concept of a universal protection of human rights have been energetic in proportion as nations have been in close contact and have had common cultural and religious standards. Such an effort was manifested in the Roman *jus gentium* and *jus naturale*, in the medieval divine law and natural

law, in the Renaissance law of nature and nations, and in the recent movement to protect human rights and fundamental freedoms. In the periods between these efforts—the periods of the *lex barbarorum*, of the Machiavellian princes, and of the modern sovereign states—national cultures have been so different that universal standards for the protection of individual rights seemed unobtainable and have been so isolated that such protection seemed unimportant.⁶

DIMINISHED EMPHASIS ON HUMAN RIGHTS

It is not, therefore, surprising that the development of "cold war," isolating Western and Soviet cultures from one another and creating belief in the radical difference of these cultures, has led to a renewed emphasis upon national sovereignty and a decline in the effort to protect human rights.

The refusal of Soviet states to accept the Universal Declaration of Human Rights promulgated by the General Assembly in 1948 and to permit investigations or report on the protection of human rights in their territories and the refusal of the United States to ratify the Genocide Convention (which the Soviet government has ratified) or to consider the ratification of human rights covenants are evidences of the waning since 1947 of enthusiasm for the universal protection of human rights. The Bricker amendment movement in the United States and the nonratification of the Convention for the Protection of Human Rights negotiated in the Council of Europe constitute further evidence of the reversion to state sovereignty and the decline of faith in a universal culture from which standards of human rights could emerge.

⁵ Art. 23

⁶ Quincy Wright, *A Study of War* (Chicago: University of Chicago Press, 1942), pp. 909 ff.

Apart from this official lethargy, popular discussion of human rights and support for their international protection has greatly diminished, especially in the United States. In 1943 the American Bar Association authorized study of a bill of human rights by its Committee on International and Comparative Law,⁷ but in 1953 it supported an amendment to the federal Constitution to prevent acceptance of such a bill by the United States.⁸ In the hearings before the Thomas subcommittee of the Senate on Charter revision in 1950 discussion concerned proposals for strengthening the United Nations by perfecting collective security arrangements or establishing general or regional federations. Little was said about human rights. The committee report made no recommendations but commented on "the stultifying effect of East-West conflict on the United Nations" and noted that because of American interest in peace with freedom in spite of this conflict "nearly one-half the members of the Senate and more than one hundred members of the House have joined in resolutions calling for the strengthening of international organization."⁹ In the hearings before the Wiley Subcommittee on the United Nations Charter in 1954 emphasis has been upon either strengthening collective security or protecting United States sovereignty. In these

hearings neither the Secretary of State (Dulles) nor the United States Ambassador to the United Nations (Lodge) suggested any strengthening of the human rights provisions of the Charter.¹⁰ Of over seventy statements made to the committee in Akron, Ohio¹¹ and Milwaukee, Wisconsin,¹² only one urged such action. This one made a strong plea for attaching a bill of rights to the Charter itself "to retrieve the loss since 1945 in the matter of protecting human rights."¹³

The conference of ninety-five national organizations held in Washington in March 1954 under the auspices of the American Association for the United Nations vigorously opposed the Bricker amendment; supported covenants of human rights, the Genocide Convention, and the Convention on the Political Rights of Women; and regretted the negative attitude of the United States government toward these treaties. The resolutions of the conference, however, gave primary attention to the strengthening of collective security, the control of atomic energy, and disarmament.¹⁴

NEED OF UNIVERSAL STANDARDS

That retrogression in the effort to protect human rights will be temporary is suggested not only by the continuance of considerable popular demand for such protection and by the repeated reassertion of such a demand in the history of civilization, but also by considera-

⁷ American Bar Association, Resolution of House of Delegates, March 1943, on an "International Constitution and Bill of Rights," *American Journal of International Law*, Vol 37 (October 1943), p. 661. See also draft by a committee of the American Law Institute, "Statement of Essential Human Rights," *THE ANNALS*, Vol 243 (January 1946), pp 18 ff

⁸ American Bar Association, Report of Committee on Peace and Law through the United Nations, February 1, 1952, approved by House of Delegates, February 26, 1952

⁹ Eighty-first Congress, second session, Rep No 2501, *Revision of the United Nations Charter*, Report of Committee on Foreign Relations, September 1, 1950, p. 55

¹⁰ Eighty-third Congress, second session, *Review of the United Nations Charter*, Hearings before a Subcommittee of the Committee on Foreign Relations, U S Senate, Part I, January-March, 1954

¹¹ *Ibid*, Part II, February 12, 1954.

¹² *Ibid*, Part III, April 10, 1954.

¹³ Statement by Bruno V. Bitker, *ibid*, Part III, p 201

¹⁴ *Conference on United States Responsibility for World Leadership in 1954*, Shoreham Hotel, Washington, D C, February 28, March 1, 2, 1954, Resolutions, American Association for the United Nations (New York, 1954)

tion of the conditions of the present world.

The world continues to shrink. Telecommunication, aviation, and atomic energy will increasingly assure that every people will be informed of conditions everywhere and will be vulnerable to attack from anywhere. The material interdependence of the world, in spite of efforts to erect artificial barriers to communication, trade, and invasion, will continually press for moral unity. The conscience of mankind will continue to be shocked by conditions such as exist in Soviet labor camps, in South Africa, in parts of the United States, and in many underdeveloped countries. Such concern is indeed manifested by numerous resolutions of the General Assembly on notorious instances of racial discrimination, oppression, and persecution; on technical assistance; and on care of children.¹⁵ Such sentiments will continually urge more precise standards and more effective implementations of human rights.

The fear of war and the demands for more effective collective security will inevitably lead to a realization that peace is a function of society and that society implies some common standards of value. The world community cannot unite against aggression unless it is united in favor of some human values. The Universal Declaration of Human Rights is an effort to define values which can unite mankind. Universal standards of human rights are a condition of a community of nations in which peace can be preserved.

Furthermore, respect for such standards, assuring a modicum of peace and justice within each nation, is a condition of mutual confidence among nations, in turn permitting co-operation. General

Marshall while Secretary of State observed in this connection:

Governments which systematically disregard the rights of their own people are not likely to respect the rights of other governments and other people and are likely to seek their objectives by coercion and force in the international field.¹⁶

THE RIGHTS OF NATIONS AND THE RIGHTS OF MAN

The "self-determination" of nations, demanded by colonial and subject peoples and supported by the United Nations Charter, can be achieved peacefully only through free elections or other manifestation of consent of the governed, and such consent cannot be manifested in the absence of at least moderate respect, within the territory to determine itself, for the human rights of freedom of opinion, communication, and association, and of due process of law in trials and investigations.

Democracy, which means the opportunity for continuous self-determination within an established jural community, implies that the state is for man, not man for the state. An international law that protects the sovereignty of the state to persecute, massacre, discriminate among, and deny justice to its citizens is an international law of autocracy, not of democracy. Except as international law demonstrates its interest in *people* as well as in *peoples* it cannot attract the support of educated public opinion, without which it cannot live. While a world "safe for democracy" is not the same thing as a world all of whose states are democratic according to the Western model, yet the world cannot be safe for democracy unless all states, whatever their procedures for ascertaining the values, opinions, and consent of the people, and whether or

¹⁵ Aleksander W. Rudzinski, "Domestic Jurisdiction in United Nations Practice," *Indian Quarterly*, Vol. 9 (October-December 1953), pp. 313 ff.

¹⁶ Quoted in Senate Subcommittee Hearings, *op cit. supra* (note 10), Part III, p. 203.

not they function through voting by the people, respect that essential aspect of democracy, assurance of human rights for the people.

International protection of human rights is an ingredient in the demands for collective security, for international justice, for self-determination, and for democracy. Under modern conditions of communication and vulnerability, the rights of nations can be assured only in a world which respects the rights of man.

This assertion does not overlook the relativity of many individual rights to local conditions. Home rule, national autonomy, adaptation of law to particular religious, cultural, historic, institutional, economic, and social conditions is no less important than universal respect for the rights inherent in the nature of man and society. The extreme relativity of rights, asserted by Carneades and some modern anthropologists, which considers all rights products of particular cultures, customs, and conventions, overlooks the aspect of all men as members of an organic species with common biological needs, as moral animals with common psychological wants, and as social animals with common requirements inherent in the nature of any society.

A code of human rights which sought to be too explicit, comprehensive, and centrally enforced would, in the varied conditions of the world, establish a tyranny as dangerous to peace, justice, self-determination, and democracy as would no code at all. The problem of reconciling human rights and national rights, implicit in the United Nations Charter, cannot be evaded. The problem must be worked at continually because the line between universal and locally conditioned rights changes with the evolution of international communication, culture, society, and organization. Whether viewed biologically, psy-

chologically, or socially mankind is not static.¹⁷

Domestic jurisdiction of states

Universal respect for the "domestic jurisdiction" of nations is, therefore, the obverse of universal respect for human rights. Under international law a state's domestic jurisdiction is determined by the absence of international obligations, leaving it free to settle a dispute, controversy, or situation at discretion. A state cannot finally determine the international obligations either of itself or of other states; consequently a controversy, dispute, or situation which involves the interpretation or application of an international obligation is not within any state's domestic jurisdiction "solely," "exclusively," or "essentially."¹⁸ The state may make a preliminary decision upon the scope of its obligations, but international law requires it ultimately to settle the issue by agreement or submission to an appropriate international authority. Apart from its international obligations, a state can regard every question whatever as within its domestic jurisdiction. That is the legal meaning of sovereignty—the quality of being legally bound by no rules, principles, or standards except those of international law. Since, however, determination of the existence and meaning of international obligations is a question of international law, determination of the extent to which in a given situation the international obligations of a state qualify its domestic jurisdiction and legal sovereignty is itself a question of international law.¹⁹

¹⁷ Hersch Lauterpacht, *International Law and Human Rights* (London: Stevens & Sons, Ltd., 1950).

¹⁸ See League of Nations Covenant, Art. 15 (8); United Nations Charter, Art. 2, par. 7.

¹⁹ Rudzinski, *op. cit. supra* (note 15); Q. Wright, "Recognition and Self Determination," *Proceedings of the American Society of International Law*, 1954

To what extent does respect for human rights qualify the domestic jurisdiction of states? The answer is clear in the abstract: only in so far as a state is under obligations, established by general international law or by treaties to which it is a party requiring such respect, is its capacity to deal with individuals limited. While general international law doubtless imposes obligations in respect to persons in foreign territory and in respect to aliens within a state's territory or on the high seas, in the interest of the state of which they are nationals, such obligations do not seem to be imposed in respect to its own nationals or stateless persons within its territory, unless indeed an argument can be drawn from principles of natural law. Those principles are given some support by practices of "humanitarian intervention"²⁰ and declarations affirming the dignity of human personality. In the main, international obligations in this field arise from treaty. It belongs to the sovereignty of states to make treaties, but in so far as a state has assumed obligations by treaties to respect or protect human rights it has qualified its domestic jurisdiction.

U.N. Charter

The United Nations Charter is a treaty and undoubtedly the members have assumed certain obligations in respect to human rights by that instrument itself. The "pledge" in Article 56 to take "separate" as well as "joint" action "in co-operation with the organization," to prevent discrimination on grounds of race, sex, language, or religion in the enjoyment of human rights and fundamental freedoms; and the "obligation" "accepted as a sacred trust" in Article 73 and in trusteeship agreements in pursuance of Article 76 "to promote" the "well-being," "advance-

ment," and "just treatment" of the inhabitants of non-self-governing and trusteeship territories clearly constitute international obligations. Whether or not these obligations are "self-executing" in the domestic law of the United States, a question raised in the *Fujii* case in California,²¹ they are certainly international obligations to be interpreted ultimately by appropriate international procedures, not by the domestic procedures of any state.

Apart from obligations concerning human rights undertaken by the Charter, the purposes stated in the Preamble and Article 1 undoubtedly contemplate that the members will undertake further obligations by entering into general treaties, such as the Genocide Convention and the proposed covenant of human rights. While their commitment to these "purposes" may imply an international obligation to negotiate in good faith, such an obligation is moral and political rather than legal. It raises the issue of the most practical and effective way of "promoting and encouraging respect for human rights" in existing circumstances. On this issue opinions may legitimately differ.

METHODS OF SECURING HUMAN RIGHTS

The United Nations has proceeded on the plan of first drafting and promulgating by General Assembly resolution a Universal Declaration of Human Rights as a guide to policy but without direct

²¹ *Fujii v. California* (1950) 217 Pac. 2d 481; 218 Pac. 2d 595; (1952) 242 Pac. 2d 617. See also Manley O. Hudson, "Charter Provisions on Human Rights in American Law," *American Journal of International Law*, Vol. 44 (July 1950), pp. 543 ff.; Q. Wright, "National Courts and Human Rights—The *Fujii* Case," *ibid.*, Vol. 45 (January 1951), pp. 62 ff.; Lawrence Preuss, "Some Aspects of the Human Rights Provisions of the Charter and Their Execution in the United States," *ibid.*, Vol. 46 (April 1952), pp. 289 ff.; Charles Fairman, "Finis to *Fujii*," *ibid.*, Vol. 46 (October 1952), pp. 682 ff.

²⁰ Stowell, *op. cit. supra* (note 2).

legal force, and then of drafting and submitting to states for formal ratification and acceptance as legal obligations "covenants" defining certain human rights in legal form and providing for their implementation by international procedures. In the actual drafts submitted to the General Assembly in 1954 these procedures were confined to investigations and reports on the initiative of states. Individual petitions initiating such procedures, though discussed, have not been included.

The Council of Europe has gone further in providing in its draft Convention for the Protection of Human Rights for a European Court of Justice to enforce these rights against adverse state action, as the Supreme Court of the United States enforces the rights guaranteed by the Fourteenth Amendment against states of the Union. This convention, however, has not gone into force.

It has been suggested that the United Nations General Assembly might authorize the Commission on Human Rights to receive petitions and report on them, applying the obligations of the Charter itself and official interpretations such as the Universal Declaration of Human Rights, and thus gradually build a code of human rights from precedent to precedent. In this way the Supreme Court of the United States has built a code of federal rights from the brief "due process" and "equal protection" clauses of the Fourteenth Amendment. A vesting in the world court of authority to issue writs of habeas corpus to states confining persons in alleged violation of human rights might contribute to such a development.²²

The United Nations and UNESCO

²² Luis Kutner, "A Proposal for a United Nations Writ of Habeas Corpus and an International Court of Human Rights," *Tulane Law Review*, Vol. 28 (June 1954), pp 417 ff.

have also engaged in an educational campaign to instruct peoples as to the history, philosophy, law, and practical necessity under modern conditions of respect for human rights. The Universal Declaration of Human Rights has been an important contribution to this effort, especially as it was accepted unanimously by the General Assembly with the exception of the Soviet bloc, which, though abstaining, did not vote in the negative.

The United States government, having for the time rejected the treaty method in an effort to appease the Bricker amendment group in the Senate, has proposed a program of education, investigation, and report through the Commission on Human Rights. These proposals had not yet been acted upon by the General Assembly in September 1954.

The United Nations General Assembly by its debate on outstanding issues of human rights—the Mindszenty case in Hungary; the nullification of the human rights clauses in their peace treaties by Bulgaria, Hungary, and Rumania; the labor camps and war prisoners in the Soviet Union; the treatment of Indians and natives in South Africa; and the situation of the inhabitants of some trusteeship and non-self-governing territories—has contributed to public interest, education, and the development of standards in the field.²³

DIFFERENT TYPES OF RIGHTS

Recent discussion has utilized the term "human rights" to cover radically different types of rights deemed to be universal. Of President Roosevelt's Four Freedoms, the first two, freedom of speech and freedom of religion, call upon governments merely to refrain from interference with the individual,

²³ *Yearbook of the United Nations; Yearbook on Human Rights* (United Nations); Rudzinski, *op cit supra* (note 15).

while the last two, freedom from fear and freedom from want, call upon governments to protect and assist the individual. In debates in the United Nations the United States has manifested most interest in the first type of rights consonant with the political and economic philosophy of laissez faire, while the Soviet states have emphasized the second, especially the social and economic rights which may be promoted by state socialism, often at the expense of civil liberties.

A more complete classification of the types of human rights would include: (a) *civil liberties*, implying freedom from unnecessary governmental restraints and enjoyment of due process of law and equal protection of the laws; (b) *individual security*, implying protection from violence or restraint, not only from government agencies but also from other persons; (c) *social and economic opportunity* through provision of education, public health, social security, work and fair conditions of work; and (d) *cultural autonomy*, implying self-determination of non-self-governing peoples, minorities, and nationalities.

Civil liberties

Civil liberties have constituted the principal content of constitutional bills of rights in the West. As they involve only abstention from action by governments they can be enforced by legal processes nullifying conflicting laws and administrative decisions

Individual security

Individual security is a consequence of adequate police and criminal laws to maintain law and order in each state. States must act positively to give such protection. International action may contribute to the general enjoyment of this right by providing for co-operation among states in the detection and pun-

ishment of crime and by requiring states to enforce laws forbidding genocide and other crimes against humanity which they might not spontaneously include in their criminal codes. The situation where government itself encourages or participates in such crimes presents peculiar difficulties such as were faced in the war crimes trials. These difficulties may be met by establishing an international criminal court of adequate jurisdiction and supported by sufficient force to bring the accused, who may be a high government official, to justice. A convention for such a court has been drafted under United Nations auspices, but the provisions concerning its jurisdiction were inadequate.²⁴ The problem obviously cannot be solved in the absence of effective collective security against aggression by states. Implementation of the right to security—freedom from fear—requires positive action by both states and the international community, not merely the abstention from official action which is adequate to implement civil liberties.

Social and economic opportunity

The necessity of positive action is even more true of the right to social and economic opportunity. Programs of education, public health, social security, full employment, and suitable industrial and agricultural conditions require not only positive government action but also appropriate political organization and large public appropriations. The realization of such programs is, therefore, dependent on the wealth, political organization, and even the social ideology of the state. Exclusive attention to the realization of these rights tends toward an increase in the

²⁴ Q. Wright, "Proposal for an International Criminal Court," *American Journal of International Law*, Vol. 46 (January 1952), pp 60 ff.

functions and the power of government. Furthermore, the capacity of a state to progress in these fields often involves its international economic and political relations. Consequently efforts to assure equality in the enjoyment of social and economic opportunity may tend toward excessive governmentalization and centralization dangerous to civil liberties and the self-determination of local or national groups. The Economic and Social Council of the United Nations and the specialized agencies have been established to promote gradual progress in these fields. The problems are so complex, however, that a statement of social and economic rights in a code of human rights can hardly constitute more than a declaration of goals or objectives of national and international administrations, permitting wide variation in the adaptation of means.

Cultural autonomy

Respect for the cultural autonomy of non-self-governing peoples, minorities, and nationalities involves particular areas and situations. Some cultures may be incapable of survival in the modern world, some may be as yet incapable of self-determination, and some may exhibit aggressive characteristics dangerous to international peace and security. Statements of such rights can only be in the most general terms susceptible to adaptation to varied situations. It is the function of the United Nations and the nations to deal with such situations as they arise, in the light of the broad principles of the Charter and balancing noninterference with positive efforts to contribute to the advancement of underdeveloped peoples.

All of these types of human rights are matters of international concern under modern conditions, but the obligations of *abstention*, *protection*, *administration*, and *political adjustment* which they respectively impose upon states are

so different that a single legal code and uniform methods of implementation are not possible.

CONCLUSIONS

From this analysis of human rights and the foregoing brief history of past and present efforts to promote respect for and observance of such rights the following conclusions seem justified:

1. A program of education developing a strong and general public opinion favorable to human rights is essential before states will be willing to undertake further legal obligations.

2. Human rights of different kinds should be dealt with separately, implemented by different methods, and kept in balance. Government action to maintain law and order and to assure social and economic opportunity to all may conflict with the claim of individuals and groups to enjoy freedom and self-determination in opinion, association, and many types of action. Respect for human rights implies the maintenance of balance among the different types of rights.

3. Formal definition of human rights and implementing procedures can probably develop best through agreement by the states to be bound. This is because of the variety of rights involved, the different situation of states in respect to them, and the principle of international law—reflecting the dominance of nationalism in the contemporary world—that states become legally bound by new rules, principles, or standards only through consent. It is to be expected that states will be less reluctant to accept procedures of investigation and report than procedures of judicial decision and condemnation.

4. The Charter provides suitable goals and opportunities for reaching agreement to promote respect for and observance of human rights and fundamental freedoms. But without an adequate

world public opinion and suitable national policies real progress cannot be made. *With* them, the already existing procedures of the Charter permit of continuous progress. Revision of the Charter in this field is not likely to prove possible at the present time and does not seem necessary.

Quincy Wright, Ph.D., LL.D., has been professor of international law at the University of Chicago since 1931, having previously (1923-31) been professor of political science there. He served as special assistant in international law to the United States Navy Department (1918, 1921), consultant to the Foreign Economic Administration and Department of State (1943-44), technical adviser to the American member of the International Military Tribunal, Nuremberg (1945), and consultant to UNESCO (1949) and to the United States High Commissioner, Germany (1949-50). He is the author of A Study of War (1942), Problems of Stability and Progress in International Relations (1954), and various other works on international law and United States foreign relations, and editor of A Foreign Policy for the United States (1947) and The World Community (1948). He was president of the American Political Science Association in 1949 and of the International Political Science Association from 1950 to 1952.

International Responsibility for Non-self-governing Peoples

By SERGIO ARMANDO FRAZÃO

"... at San Francisco the *national* concept of colonization began definitively to surrender to the idea of ... 'colonization as an international public service.' ... the colonial powers should try to consolidate the ideological front of the free world by formulating a new political appraisal of the 'colonial question' and by conceding ... what, according to the majority of the opinions expressed in the forum of the United Nations, is considered to be within the compass of the times."

CHAPTER XI of the United Nations Charter is the first international normative instrument aiming at a comprehensive regulation of the social phenomenon of colonization. From the point of view of originality and innovation, it is indisputable that the Declaration Regarding Non-self-governing Territories stands out as one of the boldest and most positive contributions of the San Francisco Conference to the legal order of international relations. Nor can it be easily denied that Articles 73 and 74 are, amongst all the provisions of the Charter, those which most markedly bear the imprint of the political and juridical philosophy inherent in the system of the United Nations, as they assert the competence of that Organization to deal systematically with a whole set of social problems which hitherto had escaped comprehensive international control. Both these Articles reflect the elemental design of the founders to integrate into a juridical system of ecumenical perspective a gamut of obligations whose implementation was formerly the sole responsibility of the national state. The juridical expression of the ideal of universality, that is, the principle of the extension of the institutional order to all peoples, would have been grossly distorted if the interests and aspirations of hundreds of mil-

lions in non-self-governing territories were to be left outside the law of the United Nations and under the exclusive competence of the internal public law of the states holding jurisdiction over them.

EVOLUTION OF THE CONCEPT OF COLONIZATION

Most certainly, the old colonial law was influenced by considerations of a humanitarian nature which, varying according to the moral standards of the times, progressively qualified the content and the objectives of colonial policies.¹ International conventions also intervened to ensure collaboration against the practice of acts offensive to deep-rooted social values of contemporary civilization and, further, to guarantee the observance of these values among certain dependent peoples.² Although these international conventions dispensed some protection to indigenous populations, none of them, not even the

¹ These influences were responsible for the continuous evolution of the so-called "colonial pact," whose original terms entrusted the metropolitan countries with a monopoly over the economy of, and commercial intercourse with, their colonial possessions.

² See the Final and General Act of the Berlin Conference, February 26, 1885, especially Chap I, Art. 6; see also the General Act of the Brussels Conference, July 2, 1890

rules of internal public law governing the type of relations between metropolitan countries and their colonies, departed from the classic national concept of colonization.³ The idea of having the colonizing power responsible for the well-being and material development of the peoples under their jurisdiction—the “white man’s burden”—had indeed become firmly established since the latter half of the nineteenth century and served as an ethical justification for colonial expansion. But until the San Francisco Conference, or, to be more exact, until the Twenty-sixth International Labor Conference (Philadelphia, 1944), effective international control over colonial policies was held to be inadmissible intervention in the internal policy of the metropolitan countries involved.

Timidly, Article 23 *b* of the Covenant of the League of Nations endeavored, in the wake of the international mandate system, to elevate the “just treatment” of indigenous populations to the category of a legal international commitment. The vagueness of the terms, however, and the lack of precision as to the scope of the obligation to respect the basic rights of the “colonials” resulted in no more than a commitment not to discriminate in favor of the “colonist.” Unquestionably, this commitment was already in the nature of a legal obligation. Its content, nevertheless, was still merely a statement of humanitarian principles.

The grammatical and historical interpretation of Chapter XI and its ideological axis of reference make it clear that at San Francisco the *national* concept of colonization began definitively to surrender to the idea of colonization

as an “*international* function,” that is, to the concept of “colonization as an international public service.”⁴ The formulation of this concept, however inaccurate, in a special chapter of the Charter, removed the “Off Limits” sign which had been blocking the colonial avenue to the competence of international law. Although the framers at San Francisco were not yet able to internationalize the administration of all non-self-governing territories and were obliged to compromise with the jurisdictional power exercised by the metropolitan countries over the territories not falling under the trusteeship system, it is nonetheless true that Chapter XI introduced a new element qualifying the *raison d’être* and the purposes of that jurisdiction.

POLITICAL QUALIFICATION OF “WELL-BEING”

The compromise with the classical violation of the right of self-determination still appears in the implicit admission of the “colonial possession.” In fact, the legality of colonial conquests, and, by implication, the legitimacy of the political and juridical situations deriving therefrom, were not openly contested at San Francisco and are not evaluated in Chapter XI. It is, however, difficult to dispute that those situations have since been defined as a function of the interests of the international community and of the peoples directly concerned. The ancient maxim, *Jus et obligatio sunt correlata*, found expression in the specification of the goals to be served by colonization, that

³ According to this conception, the colonial power could freely and righteously aim at the political and administrative integration and at the cultural and economic assimilation of their colonies.

⁴ For a doctrinal explanation of these concepts, see Georges Scelle, *Cours de droit international public* (new ed., revised and enlarged; Paris, 1948), pp. 212 ff.; and A. Mathiot, *Les Territoires non autonomes et la Charte des Nations Unies* (Paris, 1949), pp. 6 ff.

is, in the definition of the objectives which render the very idea of colonization acceptable to the conscience of the contemporary world. By comparison with the treatment that the colonial question, as a whole, received in the Covenant of the League of Nations, the progress achieved at San Francisco was immense. The measure of this progress can even be physically ascertained by considering the area and the number of persons coming under the scope of international law. Furthermore, it cannot easily be denied that the Declaration is based on the fundamental political assumption that the situations of colonial subordination as they presented themselves to the United Nations founders should be, by definition, transitory. The sociopolitical dynamics which in colonial areas derive their driving force from the ideal of emancipation and have this emancipation as an ultimate goal were to be, according to Articles 73 and 74, duly encouraged and directed to the attainment of that prime goal. Consequently, Chapter XI should not be considered to encompass solely the already accepted moral responsibility for the well-being of dependent peoples; nor can the importance of Articles 73 and 74 be sufficiently brought out merely by admitting that they were formulated as legal obligations whose violation could eventually set in motion the system of sanctions embodied in the Charter. Over and above those considerations it appears that the true significance of the Declaration resides in the fact that through it a new notion was introduced into the legal system of the international community. This notion, being a consequence of an equally new philosophical approach to the major problem of relations amongst human groups, completely changed the import and the meaning of the colonial problem. The outstanding feature of the Declaration is, indeed, the implicit

recognition that the well-being of non-self-governing peoples is inseparable from an ultimate political qualification, for it is in the spirit of Chapter XI that that well-being is strictly dependent upon the development of conditions conducive to the correction of the status of subordination to alien jurisdiction.

The second aspect of the international function of colonization may be found in the nexus established between the adequate implementation of the "sacred trust" (involving, among other obligations, that of admitting and aiding aspirations to political autonomy of which social and economic progress are the logical foundations) and the interests of international peace and security.

The full weight which the colonial question acquires when it is referred to as one of the elements of the system of international peace and security does not permit the allusion to the general objectives of the Organization contained in the preamble to Article 73 and in clause 73 *c* to be considered redundant or merely expletive. On the contrary, it seems apparent that through the references appearing in the preamble to Article 73 and in clause 73 *c*, Chapter XI stipulates that the promotion of the well-being of non-self-governing populations is one of the means of attaining the over-all goal of international peace and security. By inference, the realization of this fundamental objective of the Organization is made dependent upon the fulfillment of the obligations set forth in that chapter, in the same manner as it is dependent upon the implementation of all the other obligations assumed under the Charter.

CONSERVATIVE REACTION

The experience of the last eight years bears witness to the fact that the United Nations, or rather the majority of the General Assembly, have consistently abided by the interpretation of the

Declaration outlined above. The action undertaken by the majority to fill up, by means of resolutions, the lacunae that weaken the efficacy of Chapter XI has been rebuffed by the colonial powers, who, opposed to such a broad understanding of their commitments, have sought to give a much more restrictive definition of their actual obligations towards the United Nations. Some of them have categorically denied that the Organization is authorized to interfere in any way with the administration of territories to which only Chapter XI applies.

Conservative reaction tried its best to entrench itself behind the inaccurate phraseology of Chapter XI; at times it played with grammatical interpretations and very often had recourse to flagrant sophisms to reject any idea of an international accountability for all dependent territories. It so happened that many a progressive stand assumed at San Francisco has come of late to be contradicted by attitudes displayed by the same delegation regarding Chapter XI in action.

Extremist positions even reached the point of contesting the constitutional right of the Organization to pass *recommendations* on matters dealing with territories covered only by Article 73; by the same token the reach, nature, and juridical content of the Declaration were frontally challenged. Fighting against what they deemed unjustified inroads upon their rights under the Charter, the colonial powers committed the major error of trying to disparage, if not the basic purposes of Chapter XI, at least the reason for its incorporation into the Charter and its normative value. The lax terminology of the commitments they had undertaken provided slippery ground for an elusive interpretation of their obligations to the United Nations.

INSTITUTIONAL NORM AND DOMESTIC JURISDICTION

First of all, the objections raised against any action of the General Assembly on matters regulated by Chapter XI were advanced under a misleading understanding of Article 7, paragraph 2, of the Charter. The privilege of exclusive jurisdiction over dependent territories not coming under the trusteeship system—in spite of the qualifications made as to the objectives that jurisdiction should serve—was considered to be safeguarded by the unilateral character of the Declaration and by the freedom reserved to the colonial powers to specify, in all sovereignty, the territories to which “the general declaration of policy of Chapter XI” should apply.

None of these contentions find support in the legal system of the United Nations. The Charter is more than a mere contractual act of a multilateral character. It is an institutional instrument through which, by original agreement of the parties thereto, an Organization has been created for specific purposes, with interests and rights of its own and of a hierarchy superior to the rights and interests of the Member States. The very idea of unilateral Declaration and, by way of consequence, of the establishment of obligations by unilateral consent is alien to the philosophy of the system whose normative value is rather to be found in the conceptual significance of the institutional norm and not, solely, on the narrower idea of multilateral contract. In the light of the growth and rights of societal institutions, the rule of Article 10 assumes a meaning and scope which would be handicapped and curtailed if it were to be interpreted according to the classical theory of contract.⁵ The

⁵ The theoretical basis for this reasoning is provided by the juridical conception of the

statutory authorization received by the General Assembly to discuss "any questions or any matters within the scope of the present Charter or relating to powers and functions of any organs provided for in the present Charter" and "to make recommendations to the Members of the United Nations, or to the Security Council, or to both, on any such questions or matters," invalidates an easy recourse to the exception of domestic jurisdiction. As has been pointed out, the Declaration in itself, and even more so when considered within the logic of the system, excluded the social relations to which it applies from the sanctuary of domestic jurisdiction by specifying the goals the Organization aims at achieving in the colonial sector. In good faith, what may be questioned is the measure or the extent of the obligation assumed by the administering countries toward the institution, the content of this obligation and its definiteness, but not its existence and its juridical nature.

The arguments to the contrary may be easily traced to the age-old obsession with state sovereignty. The safeguards provided in the system of the Charter for this principle of state sovereignty would be tantamount to an inherent contradiction if they were to be utilized generally and as a means of evading the fulfillment of obligations of a statutory character. *A contrariu sensu*, could it not be sustained that clause 7 of Article 2 stipulates that all the obligations assumed under the Charter and the actions performed accordingly are not in themselves encroachments upon domestic jurisdiction? Indeed, the whole system would be undermined by the idea of permanent conflicting competences and by the possibility of these supposed conflicts being resolved through the imposition of superior normative force of the institutional norm

the competence of the national law over the competence of the statutory norm (or of the pertinent and unequivocal rule of international law).

JURIDICAL MEANING OF "DECLARATION"

Carried out to its final consequence, the interpretation which invokes the exception of domestic jurisdiction with a view to depriving the Organization of its institutional authority to deal with matters falling under the provisions of Chapter XI, but not under Chapters XII and XIII, would result in a logical and juridical absurdity. This interpretation would indeed imply that the Declaration Regarding Non-self-governing Territories is an anomaly within the Charter, since Chapter XI would not share in the juridical nature, that is, in the normative character of the constitutional instrument. For the same reasons, it is hard to accept the argument that the binding force of Articles 73 and 74, and, therefore, the jurisdictional powers of the Organization to supervise the colonial policy of its members, is weakened by the significance of the word "Declaration." For those who espouse this misleading interpretation, "Declaration" would be equal to a "statement of principles" grouped in an enunciative text but excluding by its letter and spirit a formal accountability as to the application of such principles. Following through this sequence of ideas, Chapter XI, deprived of its binding force, would add up to an exposition of good intentions as to matters concerning colonial administration. In short, it would have no efficacy but that emanating from its moral reach. Therefore, the progress reflected in the text of the Declaration, by comparison with the philosophy of the Covenant of the League of Nations, would be limited to a more detailed

enumeration of the principles of colonial policy.

The weakness of these allegations is plain. To refute them, it need only be borne in mind that even the literal interpretation of a legal text requires the interpreter to have recourse to criteria of legal semantics. In the semantics of international law, Declaration means convention, that is, lawmaking treaty. Even grammatically interpreted, Article 73 sets forth a general obligation—"the obligation to promote the well-being of the inhabitants of non-self-governing territories." It goes on to indicate in four clauses the manner in which this obligation must be fulfilled. This reasoning seems to disprove the objections to the vagueness of the content of the obligation accepted under Chapter XI.

OVER-STRONG COUNTERREACTION OF THE MAJORITY

It is only fair to say that, in many instances, the majority in the General Assembly embarked upon deliberations that could not be considered properly upheld even by the most liberal interpretation of the letter and the spirit of Article 73. Arithmetical victories have imposed the viewpoint of the majority. It is possible, however, that the approval of some resolutions which are not in full conformity with the intentions of Chapter XI has come as a counter-reaction against the conservative trend displayed by the colonial powers. Many of these texts which seem to ignore the differences in statutory discipline established by Chapter XI on the one hand and Chapters XII and XIII on the other are open to a pertinent legal criticism. Not a few resolutions were inspired by political prejudices and substituted political definitions of questionable value for less controversial juridical criteria.⁶

⁶ The decision taken by the General Assembly not to consider the matters relating to

This original bias appears even in the actual wording of the texts, which seemed bound to stimulate divergencies rather than to achieve even partial victories.⁷ It would have been easier to

Chapter XI as "important matters" for the application of the voting procedure referred to in clause 3 of Article 18 is legally unsound and a grave political mistake. The records of the discussions in the Fourth Committee of the eighth session of the General Assembly seem to indicate that this decision was worked out for the sole purpose of assuring the approval of the resolution concerning the "factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government"—Resolution 742 (VIII)—whose legal substantive value and whose constitutionality are most dubious.

⁷ The express reference to the "competence of the General Assembly" in operative paragraph 3 of Resolution 742 (VIII) was entirely unnecessary and tactically erroneous. The draft proposed by the Brazilian Delegation tried to surmount this difficulty, although implicitly reaffirming the competence of the General Assembly to decide on the cessation of the transmission of information. Indeed, the whole draft was directed to expressing this competence and its approval by a large majority would have sanctioned the principle (see doc no. A/C.4/L. 272). Furthermore, this resolution goes beyond the provisions of Chapter XI by introducing some assumptions which cannot claim legal support, be it in the letter or in the spirit of Article 73. Paragraph 6 states, for instance, that the manner in which the territories referred to in Chapter XI of the Charter can become fully self-governing is *primarily through the attainment of independence*. This contention is politically disputable, juridically, it is an inaccurate statement. All forms of associations are, within the same paragraph 6, considered mere concessions. Moreover, the proviso of association on the basis of absolute equality presupposes independence. Therefore, the interpreter, in a *reductio ad absurdum*, would be allowed to imply that due to the inaccurate wording of paragraph 6, self-government could be attained through independence. Last but not least, paragraph 6 does not take into account the possibilities for integration in federal or unitary states. This is presently the way in which Greenland is achieving self-government. As to the "list of factors" in itself, in spite of many defects, it is a worthwhile assembling of elements which may help

capitalize little by little upon concessions diplomatically gained. Very often, the resolutions approved lost their tactical possibilities by unnecessarily reaffirming principles when in themselves they were already the practical effects of those principles.⁸ This bad diplomacy and these bad tactics prejudiced the flexibility of Chapter XI for growth and further development, not only because the recommendations passed by the Assembly lack binding force but also because they stirred up violent opposition on the part of the Member States which were supposed to implement them. Further, to the attempt by General Assembly to act *de jure ferenda* to supplement the provisions of the Charter, the administering countries reacted by denying what was *jure facta*. Therefore, the arithmetical victories became empty triumphs.

THE QUESTION OF POLITICAL INFORMATION

Colonial resistance initially appeared in the refusal to submit information of

the Assembly in judging concrete cases, provided the peculiarities of each case are duly considered and the fundamental role given to the right of self-determination.

⁸ The last paragraph of the preamble of Resolution 748 (VIII) concerning the cessation of the transmission of information in respect to Puerto Rico is expletive. It was introduced by way of amendments to the first draft sponsored by seven Member States who, also defending the principle of the competence of the General Assembly, tried a formula to state it without unnecessarily stirring up opposition. This formula appears in paragraph 8 of the operative part of Resolution 748 (VIII): "the General Assembly considers it appropriate that the transmission of information should cease." The competence is implicit in this wording. There are grounds to suppose, however, that the introduction of the amendment was bound to prejudice the compromise appearing in paragraph 8 so as to divert votes on the principal conclusion of the Resolution, that is, the approval of the conclusion according to which Puerto Rico had become self-governing.

a political character. The basis for this refusal may be found in the wording of Article 73 *e*. However, even conceding that the omission of information of a political character was intentional, through this argument the Organization has been deprived of capital elements of knowledge as to the manner in which the specific obligation assumed under Article 73 *b* is being performed. The logical contradiction is shocking: the Assembly is informed of the economic, social, and educational conditions in the territories, but not of their political evolution, that is, the development of their capacity for self-government, which is, in the spirit of the Declaration, the very goal of their economic, social, and educational progress. The final destination of the information exacted or, in other words, its ultimate utilization, has also been a matter of controversy, the colonial powers maintaining, even less logically, that the final recipient of information was the Secretary-General.⁹

ESTABLISHMENT OF MACHINERY OF IMPLEMENTATION

The sustained effort with which the majority in the General Assembly en-

⁹ Clause *e* of Article 73 was not discussed at length at San Francisco, and the reasons for not including information on political conditions were not made sufficiently explicit (See United Nations Conference on International Organization documents, Vol. X, pp 421 ff.) The reservations determined by security and constitutional reasons were also not sufficiently clarified. The idea was not to ask for more detailed reports than those submitted to the national Parliaments. This, at least, was the explanation furnished by the delegate from the United States. Implicitly, it was therefore admitted that the United Nations should receive at least as much information as the national Parliaments. In the second session of the General Assembly (New York, 1947), the question of the transmission of information of a political nature was raised. The compromise text finally approved by the Assembly considered the transmission of such

deavored to correct the main lacuna of Chapter XI—the absence of machinery for the implementation of its provisions—has since 1946 been blocked by the intransigence of the administering members. Their participation in a body which, even though transitory, could systematically help the General Assembly in the performance of its functions has been secured by means of successive transactions which limited the competence of the First *Ad Hoc* Committee, subsequently christened the Committee on Information from Non-Self-Governing Territories, to questions of an exclusively technical nature. Ostensibly, the doubts as to the constitutionality of this committee are supported by the same kind of reasoning, by the same interpretation, or misinterpretation, which, in the last analysis, would lessen the significance of Chapter XI to that of generous-hearted impulses inspired by an outmoded colonial paternalism.¹⁰

Article 22 destroys any objection to the legality of deliberations of the General Assembly which aim at creating subsidiary bodies with a view to facilitating the exercise of the functions which are incumbent upon that principal organ of the Organization.

information in conformity with the spirit of Article 73 but admitted that its transmission should be voluntarily effected. See Resolution 144 (II).

¹⁰ The maximum that could be obtained was to give to the Committee a duration of three years. When, in 1952, in the course of the seventh session of the General Assembly, it was again proposed that the Committee should be established on a permanent basis, the colonial powers implied that they would not participate in it. It is to be noted that during the first part of the first session of the General Assembly (London, 1946), the Australian delegate had emphasized the necessity of establishing a machinery which would guarantee the execution of the obligations assumed under Chapter XI. See *Non-self-governing Territories: Analysis of Information* (United Nations ed., 1948), p. 13.

Historical precedents lead us to believe that all the reservations and mistrust which vainly seek legal supports are born of the fear that there may be created a machinery of control potentially capable of holding, with regard to the non-self-governing territories, in the strict sense, functions similar to those which are exercised by the Trusteeship Council. The hypothesis was, in fact, considered in San Francisco, when the well-known Australian Memorandum came up for discussion.¹¹ The fundamental purpose of the Australian delegation, at that time, was to attribute the same status to and consequently submit to the same international control all dependent territories. The abandonment of that proposition appears in the comprehensive "working document" prepared by the American delegation, finally crystallizing in Chapters XI, XII, and XIII, in the distinction between the two types of dependent territories.

It is necessary not to lose sight of that distinction whenever a definition is sought of what may be called the "effective measure of jurisdiction of the Organization" or the degree of control of the United Nations over the territories to which only Chapter XI applies. There is a great step, however, between that distinction and flat rejection of the admission that Chapter XI also establishes a certain degree of competence of the Organization and, consequently, that it is perfectly legal to provide this Chapter with means of implementation. Once this step is taken, we cross the limits of the reasonable and of what may be termed juridically correct.

It is also to be noted that the Aus-

¹¹ See Document UNCIO 575, II/4/12 (UNIO ed.), Vol. X, p. 697; and for a brief appraisal of the discussion at San Francisco see *Non-self-governing Territories: Analysis of Information*, pp. 3 ff.

tralian thesis favoring the establishment of a Committee of Experts for the examination of the reports that should come from all the non-self-governing territories was never definitively set aside at San Francisco. The opposition met by the Australian proposition focused chiefly upon the extension of the juridical discipline of the trusteeship system to all dependent territories.¹²

THE ROOTS OF DISAGREEMENT

The analyses which have been made as to the content and nature of the Declaration lead to the conclusion that Chapter XI is an integral part of the normative system of the Charter, to the same extent that the objectives set forth therein are part of the general objectives of the Organization.

From the practical point of view, however, any critical evaluation of the eventual possibility of redrafting Chapter XI should primarily take into account the difficulties encountered by the United Nations in implementing its present provisions. As we have tried to indicate, the root of such difficulties lies in the conceptual divergencies as to what the Declaration really intends to declare. These conceptual divergencies were responsible for many an embittered discussion on "principles"; starting from conflicting assumptions, colonial and noncolonial powers have not only been unable to agree on the nature and purposes of Chapter XI but also on the very significance—the political, the juridical, even the current significance—of the phraseology of Chapter XI. Such a basic disagreement is the constant and immediate cause of

the mistrust with which administering and nonadministering members envisage their mutual intentions, the former protesting against the usurpation of, or encroachment upon, the rights they did not relinquish by signing the Charter, the latter alleging the failure of the colonial powers to comply with their specific obligations towards the United Nations.

Certainly, the complex of elements determining the political approach of administering and nonadministering members to the colonial question sharpens the antagonism which stems from the two unbridgeable interpretations. For that same reason, the discussions of colonial subjects in the Fourth Committee of the General Assembly have very often been influenced by considerations of national policy or by international political issues which had no direct bearing upon the merits of the actual problems under consideration. Nevertheless, the good faith with which the colonial powers are endeavoring to accomplish the sacred trust of civilization has not, as a rule, been denied. The systematic criticism launched against them, individually or as a group, may be traced to: (1) a demagogic anticolonialism either ignoring political, economic, and social realities or nourished by restive memories of a recent colonial status or (2) a tangible wish to utilize anticolonialism not to favor the aspirations of colonial peoples in general, but to play it as a card in the game of international politics or to serve some clear, specific interest, however just.

BASIC ASSUMPTIONS FOR REVISION

Hence, the eventual revision of Chapter XI should seek primarily to eliminate the causes of conflict regarding its interpretation. The redrafting of Article 73 should necessarily be based on two fundamental assumptions: (1) a

¹² This point was made by the Brazilian delegate, Professor Vicente Rao, in the Fourth Committee of the fifth session of the General Assembly. See *Official Records of the General Assembly, Fifth Session, Fourth Committee*, p. 5, *in fine*.

political premise to the effect that the concessions already made by the administering authorities and generally expressed in the idea of international accountability are irreversible and (2) a juridical *propositio* pursuant to which this international accountability should have a clear-cut legal definition and be formulated with the exactness and precision in which legal commitments are stated so as to avoid all possible misunderstandings concerning the nature and object of the obligation assumed and, especially, to dispel any doubts regarding the statutory powers of the Organization.

This latter aspect of the problem is by far the most important. It has already been said that Chapter XI was born out of misunderstanding. This derisory remark is not entirely justified by the historical antecedents of the Declaration, but it is unfortunately true that the political compromise arrived at in San Francisco was not couched in the best terms. It cannot be questioned that the colonial powers were obliged to yield to the idealistic and liberal forces which stamped the historical postwar moment and called for a new pattern of international relations. The victory over the undemocratic conceptions of life and the state lent momentum to the "colonial rebellion" and enriched it with an ideological content.

It is, therefore, hard to agree with those representatives of administering authorities who recently declared that their respective governments would never have signed the Charter if the provisions of Chapter XI were to be interpreted in the manner imposed by the majority in the General Assembly. This is tantamount to saying, "if they had thought that Chapter XI would ever be implemented." On the contrary, it is to be noted that the colonial powers were perfectly aware of the importance of the commitments they were

assuming towards the Organization to be. They labored and maneuvered to preserve the original title of their jurisdiction over their colonial possessions; and they obtained a remarkable victory when, in its final form, Chapter XI ended by compromising with the principle of national sovereignty by implicitly acknowledging that the power of jurisdiction over the dependent territories to which Chapters XII and XIII were not to apply *had as its source* the internal public law of the respective metropolitan countries.

As of 1947, however, one would be inclined to believe that the colonial powers par excellence had entered into the colonial agreement in San Francisco with mental reservations, with an interpretation of their own as to the extent of their obligations to the international community organized in the United Nations. It would also seem that the vague formulation of their commitments, the ambiguity and the lack of basic definitions in Chapter XI had not been entirely unintentional.

CENTRAL POINTS TO BE REVISED

The uncertainty of the phrasing which later hindered the acceptance of commonly agreed criteria for interpretation of the Declaration begins with the definition of the territories involved. To the misleading heading of Chapter XI, Article 73 adds a new element of confusion by broadening that heading with a new qualification: "a full measure of self-government." What does this mean? From the juridical point of view—and that is the criteria of interpretation to be applied to legal documents—self-government means autonomy, a constitutional status of internal political autonomy inside a larger political system, by contrast with the international status of independence. The reference in the Covenant

of the League of Nations to "fully self-governing dominions and colonies," as well as the absence in the text of Chapter XI of the word "independence," and still further the concessions made in the Declaration to the principle of state sovereignty—all these considerations seem to justify the legitimacy of the conceptual distinction between the two expressions. But it is also true that this restrictive interpretation would gravely imperil the exercise of the right of self-determination, which is one of the fundamental principles of the Charter and is implicitly reaffirmed in Article 73 *b*. Some delegations aimed at identifying a full measure of self-government "with independence"¹⁸ with a view to recognizing in the latter the sole objective of Chapter XI and to denying that a full status of self-government could exist within a form of association or a compact with the old metropolitan country. There is reason to suppose that such a stand was, for the most part, inspired by political prejudices which, by implication, went so far as to trample upon the right of self-determination of the peoples concerned.

All this points to the necessity of finding in the revision of Chapter XI a formula to combine the objectives of self-government and eventual progressive independence. By contrast, and with the help of juridical criteria, it would not be impossible to define both concepts.

On the other hand, the institutional nature of the interests of the Organization and the principle of collective responsibility as to their realization logically determine that the Organization should decide in the final instance exactly when its *droit de regard* over colonial administrations should cease, that is, when the obligation to supply infor-

mation disappears because it has lost its purpose.

The competence of the General Assembly to decide on this cessation of transmission of information is, indeed, the most logical consequence of the whole system. As previously pointed out, the endeavors to work out formulae which, without compromising with the principle, intended to soothe wounded sensibilities, were hindered by the intransigence of the most radical currents of opinion. Consequently, many opportunities were lost for the United Nations to establish a kind of case law which would benefit from the support of a large majority. Assuming that colonial resistance will continue to oppose the rule of competence from being explicitly formulated—and in all probability this assumption is accurate—the most satisfactory political solution, and legally the most advisable, would be listing in the text of the Charter the territories to which a revised Chapter XI would apply. At the very least, the contractual agreement implied in this enumeration would disavow any further argument that a Member State could decide on its own when and why a territory would fall outside the scope of Chapter XI.

Another capital point that should be cleared in the revision is the one concerning the machinery of implementation. The establishment of such machinery, which is already outlined in the resolutions concerning the Committee on Information, would practically solve many questions as to the actual efficacy of the obligations assumed by the Member States with colonial responsibilities and as to the rights of supervision by the United Nations. Such a step, also by implication, would eliminate one of the reasons for the highly critical attitude of the majority of the United Nations members as to the real intentions of colonial policies.

¹⁸ See Note 7 above.

POLITICAL PERSPECTIVE BEFORE WESTERN POWERS

From a political perspective, that is, bringing into the picture the fundamental issues of the policies of the Western powers, it is perfectly obvious that a just treatment of colonial aspirations is closely tied up with the aims that the free world claims to be fighting for. The ill-inspired tendencies to play down such an intimate connection have proved disastrous to the cause of Western civilization. Every move which is suspected of complying with colonial interests has failed to win support even amongst those Member States who have sided with the colonial powers in fundamental political issues; such moves have also provided grounds for the not entirely unjustified mistrust which equates "Occident" with "imperialism."

It seems, therefore, that even for selfish purposes, or as political tactics, the colonial powers should try to consolidate the ideological front of the free world by formulating a new po-

litical appraisal of the "colonial question" and by conceding, without engaging in hopeless struggles, what, according to the majority of the opinions expressed in the forum of the United Nations, is considered to be within the compass of the times.

The ideal solution would certainly be to resume discussions by taking again as a working document the Australian Memorandum which, at San Francisco, was by far the most progressive and realistic approach to the colonial problem. Admitting, however, that the administering powers will firmly oppose a radical transformation of the legal status quo, it will be extremely dangerous for them not to accept an unequivocal definition of their obligations toward the United Nations and a larger and more clearly determined measure of control by the United Nations over the fulfillment of the "sacred trust" of civilization. For what has to be borne in mind is that the idea of international accountability will never more be wiped from the political and juridical conscience of the world.

Sergio Armando Frazão, New York City, is Brazilian adviser on political affairs to the Permanent Delegation of Brazil to the United Nations. He has been vice-president of the Committee on Information from Non-Self-Governing Territories (1953), adviser to the Brazilian delegation to the Fourth Committee of the eighth session of the General Assembly, alternate representative on the Committee on South West Africa, and in 1952 assistant professor and examiner of international law at the Brazilian Diplomatic Academy (Instituto Rio Branco). He is the author of The Autonomy of the Will, a thesis on the theory of contract, awarded a prize by the Brazilian Bar Association and published in the Biblioteca Jurídica Brasileira (1937).

The Yardstick of International Law

By CLYDE EAGLETON

"The United Nations is undoubtedly a political order, but it was intended to be a legal order also. . . . The peoples of the world . . . will not accept a system in which their disputes are settled by majority vote without regard to justice; and they will not give the United Nations authority to do more than recommend unless that authority is carefully restricted by law."

IT is a question of deep-lying importance in the future of the United Nations, and of mankind, whether that institution should be a legal or a political order; it would be better, doubtless, to ask whether it is to be more of a political or more of a legal order. Actually, it was conceived as both, and it is so described by those who know it. Thus, Mr. Feller, who was Legal Counsel for the United Nations, said of it:

The Charter is a legal text, but it is also a political document in which the representatives of many nations decided to set forth statements of aspiration, of ideals and of moral sentiments. . . . The United Nations was born into an atmosphere shot with the clashes of ideology and political strife. It was only by going forward that it could survive. The road of broad construction was the one along which it could progress. . . .

At the same time, the process of adaptation through interpretation and usage has its defined limits. The United Nations is a legal order and it cannot tear itself loose from the specific restrictions of the Charter, irksome though they may be from time to time to one interest or another.¹

The representatives of states often insist upon respect for law and Charter, even though on other occasions, or on the same occasion, they say "don't be legalistic." Mr. Byrnes, at the end of his

educational experience as Secretary of State, asserted that

The struggle for peace is the struggle for law and justice. It is a never-ending struggle. Law and justice can be developed and applied only through living institutions capable of life and growth. And the institutions must be backed by sufficient force to protect nations which abide by the law against nations which violate the law.

And Secretary of State Acheson said that the United Nations is a means to the end which is "progressive development of a peaceful and stable world order where law rather than force and anarchy will govern the nations in their foreign relations." Democratic and Republican presidents alike have asserted this objective; so has the Secretary-General.

This is natural enough, for people through centuries have come to believe that law is the best device so far discovered for handling disputes between human beings in order to avoid or prevent the use of force; and it was easy to transfer this concept to disputes between nations which are, after all, composed of human beings. This is not to say that law is the only method, or that it is an adequate one, or that all thinkers agree that it is the proper answer in international affairs. Most disputes between individuals are settled between the parties without recourse to the courts, though even in these cases, law

¹ A. H. Feller, *United Nations and World Community* (Boston, 1952), pp. 42-43.

is in the background, which greatly influences the agreement reached between the parties. In the same sense, Article 33 of the Charter of the United Nations makes it the first duty of the parties to a dispute to try to settle it by "means of their own choice."

THE RECOURSE TO LAW AMONG NATIONS

International law, of course, is weak and inadequate; there are some, indeed, who say that it is not law. Lawyers, I regret to say, frequently say this; they, like others, seem to think that international law should grow all by itself. Lawyers believe in law; they know what a struggle it is to get a new rule of domestic law into being, and they may be willing to work hard to help; but it does not seem to occur to them that international law must have similar support. People say that they want law between nations, but do nothing to build it up; when it is unable to meet needs, they jeer at it. Nevertheless, and doubtless because it is indispensable, there is an international law; at any rate, there is a set of rules governing the conduct of nations. Governments base their claims against other governments upon the basis of this law, use legal procedures in the argument, refer cases to tribunals, accept and obey the decisions given and pay indemnity where ordered. No state ever denies the existence or the binding force of these rules. It is difficult to deny the name law to such rules.

The trouble is that this law does not reach out to cover those matters which peoples would most like to see covered—vital questions such as economic relationships, the prevention of the use of force, the rights of individual human beings, et cetera. Furthermore, this law does not have behind it the procedures found in domestic law, by which a nation can be brought to court even when

it does not want to go, nor does it have means of enforcing the law when it is clearly applicable. The reason for this is that those very persons who criticize it for these defects are unwilling to have such requirements applied to their own nation, or, at the least, make no effort to have their own nation develop the law and submit to it. This is not surprising; nations have for centuries been accustomed to being sovereign, to defend their rights by themselves, to depend upon themselves. Along with this, they claim the right of free decisions upon all matters with no limitation from any outside authority.

With such habits of thought reaching back for centuries, it is not easy for people to think of submitting their nation's disputes to, and relying for protection upon, the community of nations. The state was created for the purpose of protecting and advancing the interests of its individual members, and it is difficult for these members to accept the idea that their interests can no longer be adequately protected by the state, and can be better protected in some respects by the organized community of nations. In the interdependent state of the world today, and with the weapons and methods of modern war, no state can even fight a war with its own unaided efforts; it must have help from the outside.

There is a school of thought which argues that the state should pursue its national interests in whatever way would achieve them, regardless of law or morals. Those who think in this way either live in the past, unable to give up the idea that the state is the supreme human institution; or they may prefer politics to law, particularly since international law is so weak an institution; or they may simply be recognizing a factual situation, and be unable to think beyond this situation. These "realists" prefer to depend upon national power,

though not more than two states in the world today are really able to think in terms of national power—which, ultimately, means war. They talk of “wise statesmanship” as a better solution, but the road of history is strewn with the wrecks of states which sought to depend upon shrewdness and national power. Wise statesmanship is desirable and has at times been most helpful; it is not always present on both sides at the same time, or in sufficient quantity and virtue.

“Power politics” is frequently set up against law, but there is no necessary conflict between them; they are not necessarily alternatives; both have their part to play in human affairs. Within any human society, the game of power politics is constantly being played, from the women’s society in a church to municipal government to Congress (where we have lately had a horrible demonstration of the way in which the game can be played). There are pressures other than physical force which may be employed, and we shall have to learn the methods of “cold war.” But it is just this struggle which has produced law. Intelligent human beings have become convinced, through painful experience, that there must be rules within which this struggle for power is to be carried on; they have concluded that mere power, brute force, should not be allowed to override the opportunity of the individual to develop his life and talents in his own way, insofar as they do not damage the same right on the part of other individuals.

On the record, it would appear that in the past power politics has been dominant; this is not certainly true, for many episodes of history have been adjusted by law and morals, rather than by superior force. But if it is true, the conclusion does not follow that we will continue the record of the past; indeed, it may be impossible to follow it under

present conditions. Each state, like each individual, must be prepared to stand up for his own rights, to fight for them if necessary, but alone he cannot succeed. This is why he has built up and believes in law. Whatever arguments may be put forward for “power politics,” it is no complete answer; it provides no ultimate and satisfactory answer. When “wise statesmanship” has failed, as it must on many occasions, a nation must fall back upon law or upon war, and today, men do not want war. There must be law within which the game of power politics is played; this law is the yardstick of advancing civilization as between nations.

With this by way of background, perhaps unnecessary, let us ask whether the United Nations was set up as a legal order and how far in practice it is moving in that direction. For this purpose, we may consider its habits as to the settlement of disputes, the respect which it has shown to the Charter and its provisions for the development of international law.

SETTLEMENT OF DISPUTES

The makers of the Charter did not evidence much interest in international law. The Dumbarton Oaks proposals contained only one reference to it, and this was taken out at San Francisco. Originally, as in the Covenant of the League of Nations, the provision was that the decision whether or not a matter was a domestic question was to be made in accordance with international law. At San Francisco, when the clause was moved back under “Principles,” the reference to international law disappeared. Many states, however, noted this complete exclusion of law, and their efforts resulted in two inclusions: one in Article 1, paragraph 1, where it was said that a dispute would be settled “in conformity with principles of justice and international law”; and the other in

Article 13 where, in weak words, the General Assembly was instructed to make recommendations for the purpose of promoting political co-operation and encouraging the development of international law. Compulsory jurisdiction of the Court over members for legal disputes was of course rejected; and the only vestige of law as regards the functions of the Security Council was that it should take into consideration (Art. 36, par. 3) that legal disputes should as a general rule be referred to the International Court of Justice.

It cannot be said that any greater interest in law has been shown in the practice of members in United Nations organs. There may be occasional references to law in the debates in the Security Council, but it is never a determining factor in a decision. Article 36, paragraph 3, has been used on only one occasion, and that was when a veto had frustrated the Council so that it could do nothing itself with regard to the dispute. The parties were encouraged to take this case (Corfu Channel) to the Court, and did so; but Albania paid no attention to the decision of the Court when it was given. Nor has the Council ever asked the Court for an advisory opinion. It is authorized to do so, and it could ask for advice on points of law, as the Council of the League of Nations did, the decision of the dispute remaining in its own hands; but it has shown no interest in the Court. The suggestion has often been made in the Council that a matter be referred to the Court for an advisory opinion and occasionally a motion to that effect, but none has been passed; and even those who in discussion seem to favor such reference rarely vote for it, and usually abstain.

The Charter, of course, provides no legal principles to guide the Security Council in settling disputes, and no criteria of any kind; it is absolutely

free to do what it can get votes to do. There is not even a definition of aggression—which, as the experience of the League of Nations showed, is extremely difficult to work out—though it was fought for at San Francisco and is again being fought for in the United Nations. The recommendation made by the Council is, then, a purely political one; whether it is a legal matter or not, it will be decided on a political basis. The prevailing belief seems to be that disputes are better handled through conciliation—if the Council action can be called conciliation—than through judicial settlement. The latter, it is said, is a harsh and final decision, and in these days it is better to bargain and reach a compromise which will not leave either party in a bitter frame of mind. The Council itself can do no more than recommend; a judicial decision is binding. One may reserve his bit of doubt as to this reasoning. A political vote leaves one free to work for his friends or to veto action against them. If the majority is on your side you are lucky; if not, you veto. There should be better ways of handling disputes than this. The Netherlands is probably no more happy over the political votes which resulted in her losing Indonesia than she would have been if a court had issued a decree to this effect; Pakistan would doubtless be as happy over a judicial decision concerning Kashmir as she is in facing the political power of India. And always in the Security Council is the frustrating effect of the cold war, by which a court would be little affected.

RESPECT AND DISRESPECT FOR THE CHARTER

The Charter is both a constitution and a treaty, and in either case is entitled to great respect as a legal instrument. As a treaty it is under international law entitled to legal interpretation,

and this was affirmed by the International Court of Justice in the case concerning conditions of admission to membership, in answer to the claim that it was a political question: "The Court can not attribute a political character to a request which, framed in abstract terms, invites it to undertake an essentially judicial task, the interpretation of a treaty provision." As a constitution, it should provide its own means of interpretation, but this was not done at San Francisco. Here, as elsewhere, the Court was rejected, and there can be no such directing and controlling guidance as the Supreme Court of the United States has been able to give concerning its Constitution. A committee at the conference reported that no means of interpreting the Charter had been agreed upon but that it was probable that each organ, or each member, would interpret it for itself.

So far as one can speak of interpretation, this is what has happened. Each organ decides its own powers for itself, for the most part simply by going ahead to adopt whatever a majority wishes to adopt, and without bothering to consider the challenge someone may have raised concerning competence to do what was proposed. Out of some seventy-two (which does not cover all such cases) instances in which a proposed action was challenged (not necessarily by motion) as contrary to the Charter, on fourteen of these a vote was taken—a vote, that is, on the question of competence, as differentiated from the vote on the proposal itself. Of these, only three were in plenary Assembly; they were on domestic questions, the right to define "self-governing," and membership with regard to Italy in the Trusteeship Council. Eight of the fourteen votes were on the domestic questions clause, all but one being taken in committee. In nine of the fourteen instances, the organ concerned declared itself competent; in

five, it held itself incompetent. It is to be noted as to these votes that in every case in which the organ said that it was incompetent to act, it was with regard to a motion which had been introduced by a representative of the Soviet bloc, and in two of the cases in which the competence of the organ was sustained, it was done through defeat of a Polish or Yugoslav motion which would have denied competence. On the other hand, and except for the two just mentioned, every case in which competence to act was upheld was on a proposal in which the anticolonial majority were intensely interested.

It is a strange fact with regard to the above that, though someone raises a question as to constitutionality on a very large number of proposals, very rarely does one make a motion calling for a decision. Such a motion is provided for under Rule 80 of the Rules of Procedure of the General Assembly, which gives priority to it, but the rule is practically never used. It is strange that delegates who say in the debates that the proposed action is illegal and/or should be referred to the Court, will in either case usually abstain rather than vote against the proposal which they have asserted to be illegal. This is strange only if one is thinking in terms of law; the delegates for the most part are making their decisions on a political basis. They have done their duty, apparently, when they have pointed out the unconstitutionality.

An explanation of this attitude is to be found, on the part of many delegates, by their expressed view that it is not necessary to take a vote on competence, since the vote on the proposal itself implies belief that it is a constitutional action. The President of the Security Council on one occasion said: "Those who believe that the matter is within the competence of the Council may vote affirmatively or negatively on

the Australian resolution; however, those who believe that the matter is outside the competence of the Council will certainly vote against the resolution."² It is probable that the President was not so naïve as to believe this; certainly, the records do not support this optimistic view. It is very convenient for a Member State which eagerly wishes some proposal to be adopted to be told that if a majority votes for it, that proves it is constitutional. It saves him the trouble of recording his state on the question of legality, and saves him the risk that the action he desires might be blocked by a vote that the organ was incompetent to adopt it. We have noted above the practice of abstaining, rather than voting against, on the part of some who have expressed the view that the proposal was unconstitutional. The representative of the United States declared on one occasion that he would abstain because he thought the Council did not have jurisdiction, and at the same time asked: "How are we to support the rule of law in the world if we treat lightly the basic law in the Security Council itself?" How, indeed?

To add to the difficulty of obtaining a proper interpretation of the Charter, states take positions which are inconsistent. In practice, practically every state can be shown to have voted for competence when it wanted something and against competence when it was opposed. The Soviet Union has often and emphatically asserted that when a proposal has been voted, that proves that the organ believed it to be constitutional; when, however, the proposal was one that it did not like, it asserted (and quite correctly) that repeated violations of the Charter do not make an illegality any more legitimate. There have been occasions on which decision

as to the right to adopt a proposal was postponed until after the proposal had been adopted.

The most fundamental issue, and the one over which most disputes as to interpretation have occurred, is derived from Article 2, paragraph 7, which forbids the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state. This clause is for the United Nations what is the most fundamental question within any government: where is the line to be drawn between the power of government and the freedom of the subjects thereof? The clause applies to everything in the Charter except enforcement action under Chapter VII. It is a drastic statement, which would appear to leave each member free to exclude the United Nations on the mere assertion of the member that it was a domestic question. A liberal interpretation of the clause might be expected and be justifiable, what has happened is that from the beginning and more extensively, the clause has been disregarded and thrust aside. In the cases of Franco Spain, and of the Indians in South Africa, where the matter was first debated, reference to the Court for interpretation was rejected, and efforts to have the organ concerned vote first as to whether it was competent in these cases was also refused. It was several years before a committee voted on the question of competence and not until the seventh Assembly that the plenary body for the first time voted on competence. The argument was made that other clauses, such as those dealing with human rights, which were regarded as in conflict with Article 2, paragraph 7, prevailed over the latter article, which begins with the words "Nothing in this Charter shall. . . ." The situation is made more confused by the inconsistency of the members. Thus Australia at San Francisco sought to tighten Article 2,

² Security Council, Official Records, Second Year, No. 68, p. 1687; *ibid*, Sixth Year, 562nd Meeting, p. 2.

paragraph 7; later, as against Spain and the Netherlands she maintained that any matter covered by the Charter could not be a domestic question (which leaves little reason for putting the clause into the Charter) but with regard to South Africa, she thought that the clause should apply. Similar inconsistencies could be shown with regard to most members.

It seems highly improbable that a court, through judicial process, would have arrived at such a conclusion. Members have been unwilling to commit themselves through formal vote and, when they have done so, it was clearly a political vote, and possible because of the prevailing majority of small states which are anticolonial and anti-great power and who assert the superiority of the vague provisions concerning human rights and self-determination *et cetera* over the restrictive clause. It is a strange paradox; Article 2, paragraph 7, is intended to protect national sovereignty, and these smaller states assert their sovereign independence most strongly; yet they attack the clause which protects them. That the decision is a political one is indeed affirmed in the only study of the clause from a constitutional viewpoint made by an organ of the United Nations:

. . . the organs of the United Nations take the final decision on competence, on whether, from a political standpoint, the question before them is or is not within the domestic jurisdiction of the State and whether it is sufficiently serious and important to arouse international concern. . . .³

DEVELOPMENT OF INTERNATIONAL LAW

With regard to the development of international law, there is as little interest

and quite inadequate methods. An International Law Commission was set up, it is true; and it is a fairly competent body, doing its work sincerely and seriously. But it is limited in its choice of topics for study, particularly as to the new law so badly needed; and above all, its work requires the ratification of states individually to become effective as law. Thus far, interrupted as it has been by uncongenial tasks unloaded upon it by the General Assembly, it has succeeded in preparing only one draft convention, which is now being considered by states. It remains to be seen whether they will approve.

If one may judge by the past, the chances are that half of the states will take no action at all, a number will sign, and a smaller number will finally ratify and be bound by the rule. While it will be helpful to this extent, it can hardly be called a rule of law binding upon all members of the community of nations. This is the weakest aspect of international relations and little improvement is to be found in the practice of the United Nations. No systematic provisions have been made for international legislation. There is no agency to study and report upon what legislative treaties are needed or which ones could be undertaken with some prospect of acceptance. There is no expert body provided for drafting a treaty intended to lay down a new rule. Such a draft convention may originate in any part of the U.N.—for example the Transport and Communications Commission or the Commission on the Status of Women—which may or may not have available persons competent in drafting. The United Kingdom, disturbed by this situation, sought to have drafting of legal documents put into more competent hands, but made little headway. There is no method for ascertaining the view of governments in order to decide whether the instrument is ripe for rati-

³ General Assembly, Eighth Session, Official Records, Supplement No. 16, Report of the United Nations Commission on the Racial Situation in the Union of South Africa, 1953, A/2505, p. 22.

fication. And, above all, there seems to be no advance whatever in getting around the principle that no state can be bound except by its own consent.

The General Assembly can only make recommendations; it cannot pass laws binding upon members. These recommendations may have great weight, and they may lead to sufficient acceptance in practice by states to result ultimately in the establishment of a rule of customary international law. It does not seem probable that the Assembly could be given any legislative power so long as it operates on the principle of equal voting, which enables the majority of small states to have their will. From the viewpoint of making or developing international law, then, the United Nations has made little progress—though legislative treaties do occasionally have some success; and in practice, it has paid little attention to this problem.

CONCLUSIONS

The record shows easily that the members of the United Nations have little interest in law as a means of adjusting differences between themselves, and as little in the constitutional system which the Charter was intended to provide. This is not surprising. The majority of members are small and many of them new states, which wish to develop; the Soviet bloc in a parallel sense wishes to develop its ideology and controls. International law is for either of them a set of rules of the past, which stand in their way; they are looking to the future and wish no restraints. A constitution has as one of its primary purposes to restrain the government and protect its subjects and one might expect the weaker states to rely upon the Charter; in fact, it works the other way, for they constitute a majority and do not want the Charter restrictions to prevent them from moving as they want

to move. It is the older and stronger states, having vested interests, who support international law and wish to rely on the constitutional protections given by the Charter. Of course, a smaller state may itself occasionally be the object of attack, in which case it hastily scampers back under the shelter of the Charter; and a large state has more than once been willing to stretch its interpretation of some Charter restriction to gain votes in the cold war or for other purpose.

This is doubtless normal development in the chronology of history; it takes any new government a long time to shake down into smooth running; Americans especially can reflect upon the difficulties of bringing together thirteen sovereign pygmies into the mighty nation of today.

But one should not mistake a factual situation for political or moral principles. It does not follow from a circumstantial situation in which political methods are preferred to law that it is logical and desirable that the United Nations should be a political order. The struggle for political power goes on always and everywhere, but unless it is brought under control in the sense of rules within which it is to be carried on, the inevitable end, the final solution, is physical conflict. States joined the United Nations on the understanding that their freedom of action would be limited only in a few and slight ways, and they were more interested in the restrictions set in the Charter to protect them against the United Nations than they were in the authority of the United Nations to do things. These protections are now being removed through an interpretation of the Charter by a majority acting upon a political motivation. The situation would doubtless have come to a head long before now had the United Nations the right to do more than make recommendations. Even

so, South Africa rejects its resolutions and reacts bitterly against the United Nations; more than one member has walked out of meetings, refusing to participate in what it regarded with good justification as illegal action; now the more powerful states—upon whom the United Nations depends—are being forced to oppose the unrestrained desires of an impatient majority. How long those whose constitutional rights are thus disregarded will continue to have patience with it is uncertain; it is an evidence of the need and the value of the United Nations that no state has even threatened to withdraw.

The United Nations is undoubtedly a political order, but it was intended to be a legal order also, based upon a treaty and a constitution. If the present trend continues, it will be no more than machinery for conferences, at which states can vote anything they wish. But in such a system, only those states participate which wish to; the system offers no security, no sufficient assurance of help, to justify membership. There is no need for a charter if it is not heeded, and there is no need for an organization in which all states work together if all that it can do is what conferences of the old order could do. Unless the United Nations can offer more, in the way of legal rules which

provide some security for members and some authority through which progress can be made, it is apt to disintegrate.

This does not mean that the United Nations is falling apart; on the contrary, it hangs together and accomplishes things in a degree which shows how members realize that they must hang together. But the centrifugal forces are present and should be recognized. If one thinks in terms of improvement of the United Nations, the fundamental decision is whether the proper course is toward a political order, with little attempt to restrain sovereign states. The latter is the way of the past; its ultimate solution is war. The hopes of the peoples of the world are for a United Nations which can solve community problems without war. But they will not accept a system in which their disputes are settled by majority vote without regard to justice; and they will not give the United Nations authority to do more than recommend unless that authority is carefully restricted by law. Review of the Charter will not answer this question. The Charter is there now and, weak as it is, members pay little attention to it, except in oratory. Amendment of the Charter is not enough; the answer must be provided by a changed attitude of members, individually supporting law and the Charter.

Clyde Eagleton is professor of international law at New York University. He worked in the Department of State on the making of the Charter of the United Nations, was an assistant secretary at the Dumbarton Oaks conversations, attended the San Francisco Conference with the delegation of the United States, and has twice served as consultant to the United Nations. He is president of the American branch of the International Law Association and a member of the Executive Council and Board of Editors of the American Society of International Law.

The Yardstick of National Interest

By HANS J. MORGENTHAU

"... the United Nations emerges as a new and important instrument for the pursuit of national interests. . . . it performs that service by the very restraint it imposes upon its most powerful members in the pursuit of their respective national interests."

THE United Nations is today an instrument through which its members try to protect and promote their respective national interests. Whether it be disarmament or collective security or Korea or Palestine or trusteeships or East-West trade, these issues do not change their nature because they are raised within the United Nations rather than without. They owe their existence as controversial issues to conflicting national interests. Their being raised in one of the forums which the United Nations provides may mitigate or aggravate their controversial nature, facilitate or hamper their peaceful settlement; it cannot sever their organic connection with the interests of the nations concerned. This being so, the issue of whether or not to submit a certain problem to the United Nations or even whether or not to remain a member of the organization must be determined exclusively by the usefulness of the United Nations for the protection and promotion of the interests of the nations concerned. A nation must ask itself whether or not it serves its interests better to submit a certain issue to the United Nations rather than to settle that issue otherwise, and to retain its membership in the organization, using or not using it as it sees fit, rather than as a matter of principle to pursue its interests outside it.

This pragmatic and instrumental approach to the United Nations must con-

tend with two strong popular tendencies, one internationalist, the other isolationist in character, and both taking a utopian view of the United Nations. Their view is utopian because both of them misunderstand in different ways the distinction between organization and substantive policy. An organization is a mere instrument which lends itself to all kinds of uses, a mere framework within which all kinds of structures can be erected, an empty shell, as it were, which can be filled with all kinds of content. An organization, through its procedural requirements, may force a policy into a certain mold, altering its methods and dynamics; it cannot alter the core of the policy itself. Thus the United Nations is nothing more than a club in which all kinds of members can pursue all kinds of policies, a stage on which the drama of international politics is played again in a new setting. The setting is new, but the plot is as old as history. In one word, the United Nations presents a new production of the same old play.

Both internationalists and isolationists have shared in the utopian expectation that the United Nations would change not only the setting but the plot as well. Since that expectation was disappointed, as it was bound to be, both now share a disillusionment which tends to transform itself into hostility to the United Nations itself.

The isolationist thinks of the United

Nations as an instrument of American policy pure and simple, knowing only of one national interest worth pursuing, that of the United States. He cannot accept a situation, let alone an organization, which compels the United States to come to terms with other interests equally legitimate. For him, it is either all or nothing. Either the United States deals with the world on its own terms, or it refuses to deal with it at all. Either the United Nations can be used as an instrument of American foreign policy, like the Department of State or the Army, or it is of no use to the United States at all. More than that, membership in the United Nations is even harmful to the interests of the United States in that it prevents the United States from having its own way all the time and compels it to adapt its own policies to those of other nations.

The internationalist, on the other hand, has looked at the United Nations as an alternative to power politics, that is; the kind of politics which nations have pursued traditionally and which they still pursue today within the United Nations. He expected the United Nations to initiate a kind of international politics in which nations would pool their power for common purposes rather than pit them against each other in competition. This expectation was supported both by the spirit and the letter of the Charter of the United Nations and by the climate of opinion prevailing at the end of the Second World War.

PHILOSOPHY UNDERLYING CHARTER

The Charter predicates the successful operations of the United Nations upon the continuing unity of the great powers, working in harmony within the framework of the Charter. The Charter assumes that harmony, it cannot itself create it. The functions and structure of the Security Council, espe-

cially the provisions for the veto, are derived from that assumption. This assumption reflects in good measure a climate of opinion which expected the wartime unity of the allies to continue after the war. The rifts between the Soviet Union and the Western allies which became wider and more numerous as the war drew to a close were regarded as the usual difficulties, to be expected among friends, which would be ironed out by good will, understanding, and mutual concessions.

Thus the utopian hope which made the internationalist look at the United Nations as a new and radical departure in international relations was in a measure shared by the philosophy underlying the Charter itself and was deeply imbedded in the spirit of the times. When that initial hope of a dawning millennium had been disappointed, it was replaced by another hope, equally utopian, that the United Nations could establish peace between East and West if only the conflicts which could not be settled by diplomatic negotiations were submitted to the United Nations. It was widely believed that a dispute, by being put on the agenda of an agency of the United Nations, would somehow lose its sting and become susceptible to a peaceful settlement which could not be otherwise obtained. To "by-pass the United Nations" was in this view the cardinal sin of American statecraft, as though there were in the United Nations a healing power which need only be invoked to make itself prevail.

BY-PASSING U.N.

The fact of the matter is that nations which cannot help pursuing policies designed to serve their national interests are compelled by the very character of the United Nations as a potentially supranational organization to by-pass it under certain conditions. Insofar as substantive matters are concerned, the

Security Council of the United Nations operates through seven of its members, of which the permanent ones must form a part; the General Assembly, through a two-thirds majority. It follows that it makes sense for a nation to submit an issue to the United Nations only if it has a chance to obtain the support of the Security Council or the General Assembly. In other words, only those issues lend themselves to disposition by the United Nations with regard to which the interests of one nation or a small group of nations happen to coincide with the interests either of seven members of the Security Council, the permanent ones included, or of two-thirds of the members of the General Assembly. Where such a coincidence between an individual national interest and the collective interests of a qualified majority of the United Nations does not exist from the outset, the individual nation cannot help but by-pass the United Nations in order to pursue its own interest, or else it must create a collective interest within the United Nations which coincides with its own. At this point the United Nations emerges as a new and important instrument for the pursuit of national interests. It owes this importance both to the character of contemporary world politics and to the procedural requirements of the Charter.

ALLIANCES VS. U.N. ACTION

It is one of the distinctive characteristics of contemporary world politics that most of the objectives which nations pursue on the international scene are not peculiar to themselves, but are shared by other—generally many other—nations. It is safe to say that the traditional pattern of national objectives which could be defined as the possession of a particular piece of territory has virtually disappeared from contemporary world politics. The dispute

between India and Pakistan over Kashmir is the only important example of this obsolescent pattern that comes to mind. On the other hand, the dispute between France and Germany over the Saar, and that between Italy and Yugoslavia over Trieste, which on the face of them seem to revert to the traditional pattern, are in actuality inseparably fused with the issue of Western defense and of the Western alliance in general.

In consequence, all great powers have a direct—positive or negative—interest in the settlement of these issues. A civil war between North and South Korea or a colonial war between Indochina and France involves directly the national interests not only of the immediate parties, but of all great powers. The interests of the great powers in such local issues are so direct and paramount that they tend to overshadow the interests of the original parties to the dispute. The interests of the latter become mere pawns in a world-wide power struggle, and the locale of a particular dispute becomes a mere accidental theater where the world-wide struggle happens to be fought out.¹

A great nation, such as the United States, can pursue its interests, which it has in common with other nations, either through the traditional instrumentality of alliances or through the United Nations. Either instrument offers advantages and presents liabilities for the United States. But the very fact that the United Nations is available as an instrument of national policies, that, in other words, the United States has a choice between the United Nations and the traditional instruments of foreign policy, gives to the policies

¹ It has been shown elsewhere how that internationalization of local issues results inevitably from the bipolarity of power and the tendency toward a two-bloc system, characteristic of contemporary world politics; see my *Politics Among Nations* (2nd ed.; New York, 1954), pp. 322-40.

of the United States an opportunity for flexibility which would be valuable under all circumstances and which is particularly so under the conditions of the cold war, characterized by the unprecedented rigidity of foreign policies.

If the United States chooses to pursue its interests through the traditional instrumentality of an alliance, as it is doing for instance in the North Atlantic Treaty Organization and in its relations with Japan, it has the advantage of being able to bring the paramountcy of its power directly to bear upon the policies to be pursued in common by a limited number of nations. Such an alliance lends itself easily to the translation of a common interest into a common policy, devised and decisively supported by the preponderant member of the alliance.

Yet such an alliance is in the contemporary world exposed to a liability which cannot help but seriously impair its chances for success in pursuing common policies and may even jeopardize its cohesion as an effective instrument for common policies. It is not by accident that the West intervened in the Korean War not as an alliance of nations who were willing and able to make effective military contributions to the common cause, but in the form of a police action of the United Nations, supported by many more nations than participated actively in the military operations. We are here in the presence of a revolutionary and little-understood change in the character of world politics. National policies, pursued as such, have become discredited for two reasons, growing from the objective character of contemporary world politics.

National policies pursued by one of the superpowers through traditional methods carry within themselves the possibility of a third world war which would inevitably destroy the respective allies of the superpowers, if not the su-

perpowers themselves. The more self-centered and traditionally oriented the national policies of the superpower are, the more likely are they to be self-defeating in terms of the voluntary support they can expect from their respective allies. The policies pursued by the Soviet Union under Stalin since the end of the Second World War which, with the exception of China, found support only among nations which had first been conquered by the Red Army are a case in point. The crisis in the Western alliance which has been smoldering for a long time and has become acute at the moment of this writing illustrates in a different setting the same self-defeating consequences of national policies oriented toward a national interest defined in particularistic terms. Thus we are here in the presence of the paradox that a national policy, in order to have a chance to prevail, must define itself in terms transcending the national interest of a particular nation and comprising the national interests of those nations whose support it seeks.

THE UNDERLYING PARADOX

This is so even with respect to policies, such as economic and technical aid, which by their very nature seem to transcend the national interest of any particular nation. The immediate effects of such a policy can only be disadvantageous to the giving nation since they entail for it an economic sacrifice; and they can, in view of the intent of the giver, only be beneficial to the receiving nation. Yet there are nations which have refused economic and technical aid proffered by the United States, and there are many more who have accepted it but grudgingly. It can safely be said that the small amount of good will which the United States has earned by assisting needy nations is out of all proportion to the amount of money spent for that purpose. One might well

summarize the paradox of this situation by saying that the United States has never done more for other nations than it did in the last seven years, and that its prestige among these nations was never lower than it is today.

One of the main reasons for this paradox—there are others which do not concern us here—must be sought in the fact that the United States appears to other nations not primarily as the unselfish dispenser of aid, but as one of the superpowers pursuing its own national interest in the world. Thus the recipient nation cannot help suspecting a sinister connection between the unselfish appearances of the proffered aid and the traditional selfish objectives of a great power.

It so happens that there is a point in such suspicion, even though it is not quite the point which has given rise to that suspicion in the mind of the recipient nation. The United States has indeed embarked upon a global policy of economic and technical assistance not for humanitarian, but for selfish reasons. It has done so in pursuit of its national interest. Yet that national interest is not the traditional one, peculiar to one and perhaps a few other nations. Rather it is an interest which the United States shares with the other nations on this side of the Iron Curtain: the containment of Communism within the limits reached at the end of the Second World War. For such a policy, which serves the interests not only of the nation undertaking it but of most nations of the world, to be effective, it must both in its formulation and execution bring out those of its elements which transcend the exclusive national interest of a particular nation.

INSTRUMENT FOR COMMON POLICIES

The United Nations has become an instrument for the pursuit of national interests which a nation has in com-

mon with many others. Two organs of the United Nations have lent themselves particularly for that purpose: the General Assembly and the specialized agencies.

Little needs to be said about the qualifications of the specialized agencies for this purpose. For it is the constitutional function of these agencies to serve objectives which by definition transcend the interests of any particular nation. The very fact that on these agencies the recipient nations are represented cannot but have a salutary effect upon the political relations between giver and recipient, to which we have referred above.

The General Assembly, conceived by the Charter as a deliberative agency subordinated to the Security Council and limited to making recommendations without binding force, has become the politically dominant organ of the United Nations. It has been shown elsewhere how the General Assembly reached this position of political eminence;² it must suffice here to consider the results of this development. Within the United Nations as conceived by the Charter, a new United Nations has arisen, operating within the framework of the Charter but not by its assumptions and objectives. The Charter assumes the continuing unity of policy and purpose of the permanent members of the Security Council, and it seeks the preservation of peace and order in the world through the harmonious co-operation of these permanent members. The new United Nations assumes the continuing cleavage of the world into two warring camps and seeks the protection of one group of nations against infringements by the other. The nations which feel

² Hans J. Morgenthau, "The United Nations and the Revision of the Charter," *The Review of Politics* (Notre Dame, Indiana), Vol. 16 (January 1954), pp. 3-21. See also Morgenthau, *op. cit. supra* (note 1), pp. 453-65.

themselves so threatened are able to use the General Assembly of the United Nations for their purposes because they comprise at least two-thirds of its members, which is the majority required by the Charter for substantive decisions of the General Assembly. The core of that majority is composed of the United States, the nations of Western Europe, and most members of the British Commonwealth, amounting to nineteen votes. This core has attracted a group of other nations, changing in its composition from issue to issue and ranging in numbers from all members of the General Assembly with the exception of the five members of the Soviet bloc to a bare two-thirds majority.

This new United Nations pursues the traditional objective of a grand alliance: common protection from the imperialism of a great power. Yet in its operations it differs in significant respects from the traditional pattern of an alliance. These differences are due to the distribution of power within the group and the limitations which the procedures of the United Nations impose upon the exercise of that power.

DISTRIBUTION OF POWER IN ALLIANCES AND U.N.

While in a traditional alliance at least some members were of approximately equal strength, the new United Nations is grouped around a nation whose strength is much superior to that of any single member of the group and even greater than that of all of them combined. The success of the common enterprise depends primarily upon the leadership and power of the United States. For better or for worse, at least the members of the core are tied to that leadership and power, and they can escape it only at the price of the common purpose, that is, protection from Soviet domination. The inescapable weight with which the leadership and

power of the United States presses upon this core forces its members to adapt their peculiar national interests to the common purpose and to redefine them in its terms.

The relationship is different between the predominant power and those nations which cluster around this core in ever-changing combinations to make up the two-thirds majority of the General Assembly. For these nations are less exposed to pressure from the predominant power and, hence, have a freedom of movement which is gainsaid to the members of the core. They can abstain from voting or even vote with the Soviet bloc without jeopardizing their national interests as they understand them. Since without their votes there can be no two-thirds majority, it is for the predominant power to redefine its interests in order to make them acceptable to these nations, and to adapt its policies to their preferences.

The Charter requirement of a two-thirds majority, then, diminishes the power even of so powerful a nation as the United States. Dissent on the part of the weaker members, which such a nation might disregard or dissipate in a traditional alliance, must be taken into consideration when it comes to fashioning a two-thirds majority in the General Assembly. A traditional alliance reposes upon power relations pure and simple which, through their very operations, establish a community of interests. For getting a resolution adopted by the General Assembly, it is not necessarily sufficient to have unchallengeable power; what is needed here is suppleness and accommodation in the formulation of interests and policies in order to gain the support of two-thirds of the members of the General Assembly. The actual weakness of a nation whose vote is needed counts for little if the nation who needs that vote has no lever through which to make its su-

perior power prevail. Thus the very necessity for a powerful nation to pursue some of its interests through the instrumentality of the United Nations may require a modification, however superficial, of those interests and of the policies designed to secure them.

Viewed from the traditional perspective, this necessity, dictated by the preferences of other nations, for a nation to redefine its interests and change its policies however slightly may be considered a liability. Circumstances may indeed arise when a nation may be reluctant, for the sake of co-operating with other nations, to modify policies which it deems right. Yet membership in the United Nations does not preclude a nation's pursuing its interests with its own policies in isolation or in co-operation outside the United Nations. As has been pointed out elsewhere, the Charter of the United Nations itself provides for the traditional methods of diplomacy as an alternative to its own.³ The United Nations does not impose upon its members a single pattern of action. Quite to the contrary, it adds to the traditional methods of pursuing the national interest a new one which, as we have seen, reflects certain fundamental changes in the structure of contemporary world politics.

U.N. SERVES CAUSE OF PEACE

The new procedures of the United Nations have still another virtue which, paradoxical as it may seem at first glance, results from the very fact that they limit the freedom of action of even the most powerful of its members. Peace and freedom—domestic as well as international—depend upon the power of the powerful being kept within tolerable bounds. No society can rely per-

manently upon nothing but the self-restraint of the powerful for the preservation of its peace and of the freedom of its members. The mechanics of the traditional balance of power imposed such checks upon even the most powerful nations. With the state system having been transformed into a bipolar one, those traditional checks have largely disappeared, and the two superpowers oppose each other restrained by virtually nothing but the common fear of universal destruction. It is here that the United Nations performs yet another service for the national interests of its members, not of one or a group of members but of all of them, and it performs that service by the very restraints it imposes upon its most powerful members in the pursuit of their respective national interests.

Today all nations have one interest in common which transcends almost all others: the avoidance of a general war. The chance is slim that one or the other of the superpowers would deliberately start such a war. The chances are much greater for such a war to break out by the superpowers being sucked slowly into a local conflict which they feel compelled to expand step by step until they are face to face with the alternative between ignominious retreat and a third world war. The chances are perhaps even greater for a third world war to develop from the improvidence and blunders of one or the other or both superpowers. Thus it is the pattern of the outbreak of the First rather than of the Second World War which one must keep in mind when one thinks about how to prevent a third one.

To the prevention of a third world war the United Nations can make two contributions. The restraint which its procedures impose upon the policies of its members might well be able to mitigate the improvidence, the blunders, and the complete identification, heed-

³ Hans J. Morgenthau, "Diplomacy," *Yale Law Journal*, Vol 55 (August 1946), pp. 1067-80.

less of its world-wide effects, with a local interest, to which the policies of the superpowers, freed of most of the traditional restraints, cannot help being prone. Thus the United Nations may well contribute to the cause of peace by preventing the superpowers from going to the extremes which virtually nothing else prevents them from going to except their self-restraint born of mutual fear.

The United Nations can serve the cause of peace in yet another, more intangible, way. It can render that service by its very existence. In a period of history when the exchange between East and West of information, views, and propositions through the traditional diplomatic channels has been reduced to a minimum, the very possibility of carrying on such exchanges unobtrusively through the intermediary of the United Nations offers opportunities for the promotion of peaceful settlements,

of which the great powers have made too little use. The success which they achieved when they chose to avail themselves of the United Nations as a discreet instrument for negotiations, as they did in the case of the Berlin blockade, ought to have encouraged them to make further use of this instrument.

Instead, they have yielded to the temptation to misuse the United Nations as a platform from which to make propaganda speeches, as a stage on which to strike poses for the home audience, as a kind of theater prop with which to strike ineffectually at the enemy. This misuse has not served the interests, however conceived, of the nations concerned. And it has spread and deepened that disenchantment with the United Nations which has obscured in the public mind the contributions which the United Nations could make to the national interests of its members.

Hans J. Morgenthau, Chicago, Illinois, is director of the Center for the Study of American Foreign Policy and professor of political science at the University of Chicago. He has taught at Brooklyn College and the University of Kansas City since coming to the United States in 1937. Prior to that time he practiced law in Munich and Frankfurt. His most recent books are Atomic Era (with others); Germany and the Future of Europe (with others); In Defense of the National Interest; The H-Bomb (with others); and Aspects of American Government (with others).

The Yardstick of Collective Interest

By ALEŠ BEBLER

"... the United Nations *as a whole* was created primarily for the protection of peace. . . . The outcome of the Korean War has . . . proved that in the final analysis solutions governed by the yardstick of *collective* interest are best even for the parties directly involved in the conflict."

THE basic question which, in my opinion, should be answered before we undertake a further analysis of viewpoints and proposals concerning the strengthening and improvement of the system of collective security is the following: What is the "collective" interest or, more exactly, what yardstick should be used in determining this interest?

Obviously, it is not sufficient to seek this yardstick in the special interests of particular states and nations. Although lasting peace and security can be ensured only through a harmonization of national interests, it is also clear that threats to peace and security result from the clash of differing national interests which—from purely national points of view—appear of equal legitimacy. Therefore, it seems necessary to recognize above the purely national interests a higher general interest—the common interest in the progress of all mankind.

The history of the establishment and work, and even of the failure, of international organizations in this century indicates awareness of such an interest. Today, the maintenance of peace and avoidance of a general conflict is the foremost object of common interest. The ever enlarging and destructive power of war, as demonstrated by the two world wars fought in the twentieth century and by recent experiences with nuclear armament, has given substance

and impetus to this concept of a supreme collective interest.

PEACE—BASIC CRITERION FOR U.N. ACTION

The United Nations Charter is the most explicit and recent document expressing this concept. It limits narrowly conceived national and regional interests, establishing certain common basic principles and aims which are indispensable if we wish to avoid a renewal of the devastations of war and to lead humanity along the road of progress. It sets forth as the foremost aims of the United Nations:

To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace. . .

Thus the Charter recognizes that the maintenance of peace stands above everything as the yardstick by which the Organization's actions should be governed.

The struggle for peace is important not only to avoid the suffering and devastation that wars bring to people. Peace is indispensable to social progress, to the development of non-self-governing peoples towards independence, to the development of economically underdeveloped areas towards a more modern way of production—in

short, to all the revolutionary changes in social relations which characterize our era and which have so transformed my own country. Viewed in this light *any* aggressive war is reactionary and cannot be justified by anything, even by seemingly progressive aims. Experience has shown that even wars which have some of the characteristics of a struggle for national liberation may, by endangering peace and injecting elements of aggression, defeat their own purpose and jeopardize the very aims which perhaps subjectively inspired some of their protagonists.

Therefore, the criteria of the collective interests must specifically include protection of peoples and states from pressure, be this pressure of a political, military, or economic character. A broad definition of aggression is then required, extending not only to acts of overt hostility against a national territory. As a matter of fact, the internal organization of the United Nations, whose various organs are empowered to deal with all the sources and forms of aggression, political, economic, and military, confirms this concept of the broad scope of the collective interest in resisting aggression.

DETERMINING COLLECTIVE INTEREST

The United Nations also represents a new phenomenon in international law which makes it unnecessary to limit the criteria of the collective interest to those legal principles which have already been crystallized. The international community as personified in the United Nations has become an *active* factor in the development and broadening of the domain of international law in relations among states. It can itself take a hand in the determination and implementation of the collective interest.

The universality of the United Nations, furthermore, as conceived by its founders with equality of rights among

all states, presumes no priority of the great powers in determining the collective interest. The point is that peace must be peace for all, both for the great and the small! The tendency to reduce the problem of security in the world to arrangements between the great powers is still strong. Without denying the primary responsibility of the great powers for the maintenance of world peace, an unbiased yardstick for the collective interest is necessary, outside of, and even contrary to, the narrowly conceived interests of one great power or another, or even a group of such powers. The yardstick lies in the interest of the *community*. Viewed from this angle, not even the right of veto, although constituting one of the cornerstones of the special responsibility of the great powers for the maintenance of international security and peace, can be the decisive criterion for determining what represents the collective interest. It is conceivable, though—at least under present conditions—that the veto could thwart certain misuses of the claims of collective interest, arising from the relations of political and economic inequality which today exist between the great powers and individual small or medium-sized countries.

In determining the yardstick of collective interest one must exclude ideological considerations and controversies. The simultaneous existence of countries with different social systems and different ideologies is a rule in our era. Nonrecognition of the necessity of the parallel existence of such different systems and ideologies paves the way for fatalistic views regarding the unavailability of armed conflict, views which characteristically help to instigate war. It is precisely the existence and realization of differences in the degree of development and progress of individual countries that represents the basis for

the continuous broadening of the activities and tasks of the United Nations in economic, cultural, social, and humanitarian fields, activities which do not merely supplement the activities of the Organization in preventing war, fighting aggression, and promoting peaceful settlement of disputes, but are an actual prerequisite for the achievement of collective security. It is not accidental that ideological motives usually lie at the root of attempts to bypass the United Nations in international questions and that they often, although perhaps not always, conceal other negative tendencies, such as intervention in the internal affairs of other countries, the policy of spheres of interest, and ideological intolerance and discrimination.

DEMOCRATIC DECISION AND COLLECTIVE INTEREST

The practice of the United Nations has at the same time pointed the way toward a unique *method* for determining the collective interest, namely, the application of democratic principles to the organization of work within the international community. This democracy within the United Nations is, unfortunately, not yet sufficiently expressed. And it must not be forgotten that even when decisions are reached under conditions of formal democracy the positions of individual delegations or groups of countries can be influenced by outside pressures and considerations which limit the independence of their participation in the discussions and recommendations of the Organization or reduce it to a mere formality. In the broad perspective, however, the struggle for the democratization of the work of the United Nations is not only leading to an enhancement of the role, authority, and relative importance of the Organization in international relations, but will also lead to greater independ-

ence and a freer stand of individual small and medium-sized countries. This in turn will assure their becoming more active in the promotion of peace and security and hence in determining the true nature of the collective interest.

CLARIFICATION OF COLLECTIVE INTEREST THROUGH CHARTER REVISION

What practical conclusions follow from this general analysis of the concept of the United Nations' during the nine years since its birth? First, a condemnation of aggressive war as a crime against humanity should be inserted in the Charter. The Charter could at the same time contain more precise obligations on the part of the Member States concerning the prevention, in their territories, of activities or propaganda directed against the independence, sovereignty, and territorial integrity of other countries, and the prohibition of intervention in the internal affairs of other countries, including not only the threat and use of force in the narrow, purely military, sense of the word but also economic and political pressure exerted with the view to curtailing and abolishing the sovereign will of a given country in the field of international relations.

The experience of the Security Council in dealing with instances of a threat to peace or of open aggression indicates, in my opinion, that the only acceptable criterion for determining the collective interest is the practical political effect of the action taken as against even the most perfectly designed legalistic constructions or a one-sided confidence in *ad hoc* settlements based on a unilateral presentation of national or regional interests in a given case. This experience simultaneously points out the danger of partiality in decisions reached by the Council, owing to the indisputable influence exerted by the great powers over the

smaller ones, be it for internal political reasons or because of certain likes or dislikes due to ideological or other reasons.

DEFINING AGGRESSION FOR CHARTER

Therefore, one of the basic practical problems in the work of the United Nations, and especially of the Security Council, in preserving collective security and resisting aggression, is the effective and speedy identification of aggression and of the aggressor. My country has taken steps designed to achieve this aim as simply as possible. The Yugoslav position has neither limited the definition of aggression to certain specific qualifications nor left the characteristics largely undetermined, but has provided—in addition to enumerating the types of aggression that have appeared so far—room for a subsequent inclusion of new and unexpected forms of aggression. It is also important to mention the Yugoslav proposal concerning the duties of states in the case of an outbreak of hostilities, which was prompted by the situation in 1950 and the experience gained from the aggression in Korea. This imposes on states that have been drawn into an armed conflict the obligation to declare, within twenty-four hours of the beginning of hostilities, their readiness to retreat to their national territories and to cease all hostilities, while the conflict is referred to the competent international bodies. Adoption of this proposal by the General Assembly has considerably extended the scope of international law and at the same time has limited, for the purpose of protecting the higher interest of collective security, one of the “classical rights” of a sovereign state—the right to legitimate defense. Thus, a new opportunity has been created to expose the aggressor before the international community and to facilitate the establishment of a yard-

stick of collective interest, which can serve as a basis for the undertaking of collective action in case the conflict is not halted.

Full implementation of these concepts regarding the determination of responsibility for the beginning of hostilities calls for the insertion of increased international legal power in the United Nations Charter. (This is particularly necessary since it is hardly possible to expect a change in the application of the right of veto under present conditions of international relations, at least in so far as the application of collective measures is concerned.)

With this we have come to the central problem of the yardstick of collective interest at present, namely, the not yet completely regulated relation between the role of the Security Council as conceived by the Charter and the role of the General Assembly as confirmed by practice during the Korean War, especially by the introduction of the resolution “Uniting for Peace.”

INEFFECTIVENESS OF SECURITY COUNCIL

Theoretically, with the world divided into “camps,” a threat to collective security through an act of aggression (or of a threat to the peace or a violation of peace) may find both countries in question belonging to the same camp or to opposite camps. It is obvious that in the first instance grave consequences could not result in the Security Council, and furthermore outside the Security Council many means exist within regional and other organizations to avert conflict. However, in the case of a conflict of the second type, the situation would be reversed. The permanent members of the Security Council would be divided, and the veto of one or several great powers could, as has been seen, become an obstacle to the reaching of decisions indispensable for collective

interest. Thus the position of the aggressor and his initial advantage would be protected, whereas the position of the victim of aggression would be made more difficult. It is precisely this situation—in connection with the struggle for a new division of the world, necessarily involving a clash of opposite “camps”—that is fraught with the danger of the outbreak of a new world conflict.

The conclusion to be drawn is that if the present system of voting in the Security Council remains in full force (and the consent of its permanent members is also necessary to amend it), then the danger arises that this body, whose primary duty is to be the guardian of peace and the representative of the endangered collective interest of the world community, will be paralyzed at the moment when the danger to the cause of peace is the greatest.

GENERAL ASSEMBLY AS AGENT FOR U.N. COMMUNITY

Consideration of this situation caused Yugoslavia to support the “Uniting for Peace” resolution and to vote for its partly amended version. Adoption of this resolution represents an important phase in the development of the yardstick of collective interest, adapting the yardstick less to the letter than to the spirit of the United Nations Charter. The governing principle is that the United Nations *as a whole* was created primarily for the protection of peace and that, therefore, the Organization as a whole is responsible before mankind for the maintenance of peace. It is logical, therefore, that it should have the last word in applying the yardstick of collective interest, that is, the possibility of stepping in and undertaking the indispensable actions in the event the Security Council is paralyzed. The wording of the present Charter, however, still limits the General Assembly

to *recommendations* of appropriate measures. Therefore, the forthcoming revision of the Charter will inevitably raise the further question: In the event of a division in the Security Council, how can the international community, represented in the United Nations, make not only recommendations, but *decisions* regarding the application of coercive measures?

SHOULD GENERAL ASSEMBLY MAKE DECISIONS?

Is such a change useful and necessary? The reasons which led to the adoption of the “Uniting for Peace” resolution apply also today. The possibility of reaching actual decisions to invoke coercive measures would increase the moral pressure on the potential aggressor. The cause of peace and collective security could only gain thereby.

However, in such an application of the yardstick of collective interest a decision, once reached, would not be a light one, as its consequences would be very grave. Such a decision could result in heavy material pressure on the part of the majority of the members of the United Nations and possibly even in a war launched by this majority on behalf of and taking advantage of the authority of the United Nations, against one or several protégés of one or several great powers, and possibly even against one or several of these great powers! One could expect to hear the partly plausible observation that the United Nations would thereby only start what was its main task to prevent, that is, a world war. On the other hand a threat to a possible aggressor, pronounced in advance, could discourage him from an adventure or force him to localize the adventure, which was actually what happened in Korea. A final argument would be that if there had to be a war and if the

United Nations were on the right side, then the authority of the United Nations in such a just war would help to assure the defeat of the aggressor and shorten duration of the conflict.

All this, taken abstractly, sounds convincing and seems to guarantee a more or less safe scheme for the application of the yardstick of collective interest in any situation. However, in a concrete case, a systematic application of even the best and most well-meaning principle could be fraught with grave dangers. How certain can we be that, in the event agreement is reached on the abolition of the veto in the Security Council, the majority in the Security Council would be on the right side? Can it even be taken for granted that the majority in the General Assembly would necessarily and automatically be on the right side?

DANGERS OF MAJORITY DECISION— KOREAN EXPERIENCE

In the case of Korea, where on the whole the United Nations unquestionably played a progressive role in localizing the conflict and in resisting aggression, some events occurred which showed that the right of the United Nations to reach binding decisions on the application of coercive measures could endanger the collective interest. The Yugoslav Delegation warned against these dangers as early as the discussions on the "Uniting for Peace" resolution, as well as during the discussions on Korea in the General Assembly in 1950. The danger lies in the fact that even a majority may reach biased decisions, may erroneously determine the responsibility for the outbreak of hostilities, may declare a civil or national-liberation war as aggression, may go too far in sanctions against the aggressor and thereby increase the danger of extending the war to new areas, and so forth.

Although the *main* feature of the Ko-

rean War was aggression on the part of North Korea, a state within one world camp, against South Korea, a state within another such camp, this war also contained, beyond any doubt, certain elements of a civil war and, in the view of a large number of Koreans, even elements of a national-liberation war. This came as the result of the fact that this unfortunate country had been thrown into a state of internal tension as a result of the artificial division of the country into two parts (through no fault of its own) by the great powers, so that the desire to attain unity—a desire generally accepted by world public opinion as justified—played an important role in the war. The failure on the part of the majority in the United Nations to take into account these elements manifested itself in the treatment accorded to the government of North Korea in the Security Council and the General Assembly, that is, failure to invite this government to appear before these bodies, and also its exclusion from the work of the United Nations because the majority of the United Nations members did not recognize it. Recognition of the South Korean government and nonrecognition of the North Korean government was influenced in fact by the atmosphere of the cold war going on between the East and the West. By permitting these occurrences, full advantage was not taken of opportunities to advance the settlement of the conflict as effectively and with as little sacrifice as possible.

KOREAN TRUCE—DETERMINING COL- LECTIVE INTEREST THE HARD WAY

The second, even more characteristic, example is the carrying over of the Korean War beyond the 38th parallel. If the aggression on the part of North Korea against South Korea was a disguised attempt on the part of the Soviet bloc to broaden its own "sphere

of influence" by force, the decision of the General Assembly of October 1950, whereby the armed forces of the Unified Command were permitted to cross the 38th parallel to the north and to occupy North Korea, could only serve the purpose of reducing this sphere by force. The Chief of the Yugoslav Delegation to the 1950 session of the General Assembly, Mr. Edvard Kardelj, pointed out that:

... [such] a settlement ... could serve as a very dangerous precedent for the future, a precedent which would, theoretically, justify in certain circumstances the intervention on the part of the United Nations in the internal political struggle of any country. Such a settlement would not be in the concrete interest of our efforts exerted for peace either, as it would complicate and create even more tension in international relations. Moreover, such a settlement could only undermine the strength and authority of the United Nations, as it would be freely exploited as a means to ruin the reputation of this Organization. And it would not be in the interest of the Korean people either ... as it would automatically lead to the expansion of the power of the South Korean Government over all of Korea. ... The United Nations cannot and must not take upon itself the responsibility for the expansion of the power of one or the other government. It is the Korean people themselves who will have to decide on a unified government. ...

Later developments justified Mr. Kardelj's prediction that "any attempt at changing unilaterally the situation in Korea by war ... *in itself carries the seeds of an expansion of the war.*" The war expanded with China's entry and ended only after huge sacrifices had been sustained. The basis of truce was precisely what the Yugoslav representatives had been proposing from the very beginning, that is, agreement not to attempt to bring about a change in the Korean situation by armed force.

It is significant that such a settlement was rejected in the course of 1950, once by the representatives of the camp which was responsible for the aggression in Korea and the second time by the majority in the United Nations through the adoption of the resolution on the expansion of the war beyond the 38th parallel. Yet, after great devastation and destruction, affecting all the Korean people and all armies engaged in the conflict, this basis of settlement was adopted. Hence it is obvious that under the given circumstances such a settlement represented the right gauge of collective interest in the Korean War.

We have dwelt on the well-known facts of the Korean conflict at length, in order to illustrate our concept of the real character of collective interest, as well as of the difficulties in determining this interest. This situation also demonstrates the inadequacy of the narrowly legalistic or the nationally limited approaches to determining such interest and the paramountcy of a broader, primarily political evaluation of the interest of the community. The outcome of the Korean War has further proved that in the final analysis solutions governed by the yardstick of *collective* interest are best even for the parties directly involved in the conflict. Otherwise—by the expansion of the conflict, the broadening of the scope of operations, and delay in the solving of controversial questions—they stand to suffer great sacrifices in men and material, as well as in possible political advantages which they enjoy in a given area.

CONCLUSIONS

What concrete conclusions connected with the envisaged revision of the United Nations Charter are implied by the criteria of the collective interest of the international community? In what way can real democracy in the work of

the United Nations as a whole be ensured? How can the *whole* United Nations be made the most responsible guardian of world peace and security—the highest collective interest of all mankind—in view of the fact that the great powers have such a special position of responsibility in the world today and that even a majority in the United Nations can accept solutions that are not conducive to this highest interest?

Certain changes in the text of the United Nations Charter appear advisable in the light of the Korean War, as well as experience to date in overcoming the most difficult periods of international tension arising from the division of the world into opposite blocs.

1. It seems necessary to insert in the Charter definite criteria regarding responsibility for the outbreak of hostilities, criteria which would in advance comprise the possibilities available to the potential aggressor, and thus reduce the possibility of aggression.

2. The collective interest of the international community requires insertion in the Charter of the clearest possible provisions to prevent the application of coercive measures when they contravene the real purposes of the Charter. For instance, such measures should not be applied for the purpose of interfering with domestic affairs, intervening in civil or national-liberation wars, and so forth. Such a modification of the provisions concerning collective measures for the maintenance of international peace and security would ensure against their possible misuse for the purpose of retarding and diverting the normal social and political development of a country.

3. In view of the great importance of the Security Council in protecting the collective interest, perhaps the broadening of the Council by inclusion of at least one permanent and one alternate member could be discussed, whereby the Council would acquire a more universal character, and a wider scope and variety of views would be obtained in appraising questions of collective security and determining the collective interest, giving to this appraisal a broader and more impartial character and reflecting more closely the attitude of the entire Organization.

4. In the event that a certain limitation of the right of veto should be possible, the decisions on coercive measures in accordance with the provisions of Chapter VII of the Charter should by all means require a large, almost unanimous, majority in the Council.

5. The broad criterion of collective interest seems to require that the General Assembly should also be given jurisdiction in the confirmation of such measures by a definite large majority of votes (possibly a larger majority than the two-thirds required for the adoption of recommendations), which would not only broaden the democratic and universal character of the decisions concerning collective interest but would also remove the possibilities of taking rash and too severe measures.

Such changes would better enable the international community to apply to the question of the maintenance of collective security in the face of aggression, violation of the peace, or threat to the peace, a genuine yardstick of collective interest, which is represented—in the final analysis—by the United Nations itself.

Aleš Bebler, Doctor of Laws (Paris), Belgrade, was Permanent Representative of Yugoslavia to the United Nations (1950 to 1952) and in this capacity was a member of the Security Council at the outbreak of the Korean War, as well as delegate at all regular sessions of the General Assembly. He is now Deputy Foreign Minister of Yugoslavia.

Expanding the United Nations Community

ANALYSIS AND PROPOSITION BY R. W. VAN WAGENEN

COMMENTS BY HEINRICH VON BRENTANO, CLEMENT DAVIES, RAJESHWAR DAYAL, R. W. G. MACKAY, LESTER B. PEARSON, AND YOU CHAN YANG

WE have been asked to discuss the broad problem of expanding the United Nations community, with special reference to the narrower and more concrete questions of membership and regionalism.

Expansion of community is considered here as having two dimensions—breadth and depth. In terms of breadth, the United Nations “community” certainly includes all its members, whether or not they always support the organization; it may also include those nation-states which normally support its aims and activities, but which are not card-carrying members. In terms of depth, the problem of expanding the community is that of strengthening its cohesive forces. The strength of those forces, in turn, seems to rest upon a “sense of community” which can usually be observed in stable national governments and in smaller human groups, but which is to be found also between some nation-states.

Briefly, the hypothesis runs along these lines: (a) Nation-states generally control themselves no better than smaller groups when it comes to intergroup fighting. (b) Smaller groups have solved this problem permanently either by having no relations with each other or by achieving a very strong sense of community which is able, if necessary, to support some kind of restraining institution. (c) The burden of proof is somewhat heavier upon those who believe that nation-states can handle the problem by some really different method than it is upon those who believe that

the tried-and-true method used by smaller groups might eventually be made to work for these large but unique groups called nation-states. Such a sense of community might eventually become strong enough to support a real system of collective security or even a nuclear government, or it might not. But in any case the development of a sense of community seems likely to be the crucial element in the problem of long-run war prevention.¹

On these assumptions, one way to frame the greatest question of our time is this: Can a sense of community be developed in *depth* over a *wide* enough area to support institutions for the long-run prevention of war?

BROADENING U.N. MEMBERSHIP

Broadening the membership of the United Nations would not necessarily broaden the sense of community, but limiting the membership would seem even less likely to do so. One may be well aware of the dangers of personal contact between people of incompatible cultures and still estimate that the net result of such contact among large numbers is on the plus rather than the minus side—at least under conditions where the United Nations is likely to

¹ This brief statement leaves large gaps in definition and connective reasoning. Some of these gaps may be reduced by reference to an earlier discussion of “expanding community” in *Research in the International Organization Field: Some Notes on a Possible Focus* (Princeton University, Center for Research on World Political Institutions, Publication No. 1 [Princeton, N. J., 1952]).

be involved. One need not travel all the way with the functionalist doctrine in order to believe that sense of commitment is one important element in sense of community. Also, broader membership need not mean universality.

Provided that the states sponsored by the West are also admitted and provided that this is not accomplished by means of the "package" trade which has been frequently proposed and rejected, there should be some gain from the admission of the European non-member Soviet satellites. The United Nations as a whole, and the Western states in particular, have an interest in reducing the opaqueness of such "windows on the world" as Albania, Bulgaria, Hungary, and Rumania already have. There is even less doubt about the value of admitting such states as Germany and (to mention some of the fourteen already vetoed by the Soviet Union) Austria, Cambodia, Ceylon, Italy, Japan, Libya, and Portugal. If it be argued that new states which have emerged from non-self-governing or trusteeship status are likely to cause trouble for their former masters, one answer is that on balance the cases like India and the Philippines may be more typical than exceptional. The indications are that the balance of political forces would not substantially change, but only the size of the forces—much like what resulted when eighteen-year-olds became voters in Georgia. If the new states should turn out to be recruits for neutralism, it would be well to have this fact register inside as well as outside the United Nations.

Is there any way in which membership could be increased without Charter amendment? Obeying in a rough way the architectural principle that form follows function, the draftsmen who framed the Charter designed two types of regular membership: one with veto power and one without. They also

permitted nonmembers of the United Nations to hold membership in the specialized agencies and the regional economic commissions. A fourth type has been added which is legally not membership at all, but which might be called "functional participation": Italy, by virtue of being the administering authority of Somaliland, sits with the Trusteeship Council in all its meetings but does not vote. A fifth type, associate membership, would be very similar and might be useful. This is already a practice of the Economic Commission for Asia and the Far East. Secretary Dulles has suggested publicly that the same sort of device might be used for the U.N. itself. He pointed out that if the unanimity requirement on recommendations for membership cannot be amended out of the Charter, some type of associate membership could be established. Such members would be permitted "to come in and take part in the proceedings, to express their views, and to record their votes."² This might be done without Charter amendment, presumably by a two-thirds vote of the General Assembly. It should have the effect of pulling into somewhat deeper commitment at least those nonmembers who are free of Soviet domination.

THE PROBLEM OF REGIONALISM

If the first dimension of sense of community—breadth—applies mainly to the membership problem, the second dimension—depth—applies mainly to the problem of regionalism. Both problems embody the great dilemma of tightness as against comprehensiveness. Is it most effective that an international organization for the prevention of war consist entirely of a small but hard core, with

² U. S. Congress, Senate, *Review of the United Nations Charter*, Hearing before Subcommittee on the United Nations Charter of the Committee on Foreign Relations, U. S. Senate, Eighty-third Congress, Second Session, Part I, January 18, 1954, p. 20.

the punch and maneuverability which comes from unanimity? Or is it more effective for it to be large and comprehensive, so that even though its movements are lumbering it will not overlook any important segment of political power? This is the dilemma of a deep but narrow commitment as against a broad but shallow one. Of course there is no general solution which can be substituted for sound political judgment in each case. But the Charter device of tying both regional and collective self-defense arrangements into the universal organization has been as good a reconciliation as could be expected, even though it has been only lightly tested. When Costa Rica was invaded by armed forces coming from Nicaragua in 1948, would it have increased that member's sense of commitment to the United Nations if the Security Council had acted on the case instead of the Organization of American States? Or was Costa Rica's sense of commitment to the United Nations increased indirectly, through a tightening of the sense of commitment to the Organization of American States? The Guatemalan case of 1954 does not furnish a good test because of the particular domestic relations between the defender and the invader.

Divided commitments can hardly be avoided when neighbors already enjoying a strong bond for historic or geographic reasons are asked to forge a bond with a wider group. Yet divided commitments need not always be conflicting commitments, so that to strengthen the region is not necessarily to weaken the universal organization. The North Atlantic Treaty Organization, for example, is frequently referred to as a pillar of support for the United Nations.³ This, it is usually said, is be-

cause the members of NATO are themselves the firmest advocates of the principles of the Charter, and therefore whatever strengthens them also strengthens the Charter. There is another and different kind of reason, however, why NATO may be contributing in the long run to a sense of commitment to the United Nations. One of the great obstacles to the evolution of community is sometimes an exaggerated "none of your business" tradition, the psychological equivalent of the domestic-jurisdiction tradition. The habit-forming effect of international relations has been neither proved nor disproved, and common sense is by no means firmly attached to one side of the argument or the other.⁴ It may well be, however, that we can overcome in one region of the world the psychological obstacle to sharing certain types of national decision with certain friendly states. If we then find that we recover from the anguish of this experience, it may be less of a shock later to find ourselves minding other people's business a bit more, as well as the converse. Again, this could hardly help contributing toward commitment, involvement, and sense of community over whatever area the habit grew to cover.

Over against the advantages of strong regionalism are the dangers of a new localism leading to a new neutralism. If a sense of commitment by a nation-state to its region becomes so strong that it cannot bring itself to be concerned about events outside the area, localism may set in at the regional level. If a state has geared its military forces into a regional defense system, it might feel less willing, and indeed less able, to answer a general call which would take its troops away from the region. There

³ The legal question as to whether or not NATO is a regional organization in the eyes of the Charter is not at issue here.

⁴ See the brief treatment of this question by Howard C. Johnson and Gerhart Niemeyer, "Collective Security: The Validity of an Ideal," in *International Organization*, Vol. 8, No. 1 (February 1954), p. 35.

is also the problem of multiple commitments faced by a state like Australia, which finds itself tied into a Southeast Asian regional organization in addition to ANZUS (Pacific Security Treaty, Australia, New Zealand, United States) and NATO (the latter psychologically, through the Commonwealth).

CHARTER REVISION

This brief discussion of membership and regionalism in the light of the "expanding community" concept does not lead us to Charter revision. Judged by the effect which they would probably have upon a sense of community, any Charter amendments which have been proposed so far in these two fields seem either to be of doubtful relevance or of doubtful possibility *by themselves*. One exception might be the elimination of the veto on membership, and even this could be achieved in part without Charter amendment. With regard to regionalism, the progressive and realistic plans being prepared by the Collective Measures Committee would not require more than a series of General Assembly resolutions to put them into effect if they could be thoroughly agreed upon beforehand. Perhaps it is unnecessary to add that if events should unexpectedly permit a sweeping revision of the Charter in the direction, for example, of a true international police force or an effective agency for the control of atomic energy, the present discussion would have to be completely re-examined.

POLITICAL REALISM

Those of us who take the hardheaded, practical idealist position usually have to explain that our views are based upon the national interest. The approach called "expanding community" belongs here. "Sense of community" and "sense of commitment" can both be

read as "sense of common interest" if it remains clear that the *long* run, and not simply the short run, is understood. It is taken for granted by the practical idealist that national interest should lie at the root of national action; but he refers to a very deep root.

Although this is not the place to reopen fully the great debate about "realism" in international politics,⁵ a few words should be said at this point about the "practical idealist" position because of the clear and full statement of the "realist" position published so recently by Professor Morgenthau.⁶ Although some room for exception still remains, Morgenthau has unfortunately described political realism so very broadly that most serious scholars will find the issue defined almost out of existence. He has included so many positions in the realist camp that former opponents now find themselves tagged with the same label. For example, both the school of thought which regards law and morals as being largely irrelevant to national power *and* the school of thought which feels that this view largely misses the point⁷ now qualify as political realists.

⁵ Among the many pieces contributing to this debate, see the issue of *THE ANNALS* edited by Norman D. Palmer and devoted to *The National Interest—Alone or With Others?* (Vol. 282, July 1952), especially the articles therein by A. H. Feller and Hans J. Morgenthau. The latest statement by George F. Kennan has been published as *Realities of American Foreign Policy* (Princeton, N. J.: Princeton University Press, 1954).

⁶ Hans J. Morgenthau, *Politics Among Nations* (Revised ed.; New York: Alfred A. Knopf, 1954), pp. 3-13.

⁷ Quincy Wright, for example, has long and ably emphasized the importance of the second view. Most recently: "Clearly what is needed is a balance between politics and law in the world. Law must be corrected and kept up to date by politics and politics must be regulated by law."—In George A. Lipsky (Ed.), *Law and Politics in the World Community* (Berkeley, Calif.: University of California Press, 1953), p. 13.

The only recourse for those who do indeed regard themselves as realists in the Morgenthau sense *and* as practical idealists in another sense is to maintain their factional differences within the realist camp. (Their view remains, of course, distinct from that of altruists and of impractical idealists.) The effort to develop broader and deeper sense of community is focused upon the possibility of change rather than upon its difficulty; yet both aspects are included under realism.⁸ Thus we can have our realism and eat it too—provided we do

⁸ Morgenthau goes so far as to say this: "Nothing in the realist position militates against the assumption that the present division of the political world into nation states will be replaced by larger units of a quite different character, more in keeping with the technical circumstances and the moral requirements of the contemporary world." But he immediately points out that "The realist parts company with other schools of thought before the all-important question of how the contemporary world is to be transformed."—*Op. cit. supra* (note 6), p. 9.

not have an appetite for sudden, sweeping change.

It is within this sort of framework that the criterion of "expanding community" can be applied to the question of Charter revision. Applying it to the limited problems of membership and regionalism, it seems to say this: The United Nations has real potential for increasing the sense of community among certain nations, and the Charter itself puts no major obstacles in the way. Only one provision places a large but passable stone in the rocky road of progress—the veto on admission of new members. If real progress can be made at all, however, it can be made within the present terms of the Charter unless a massive change in political climate should suddenly occur.

EDITOR'S NOTE. Professor Morgenthau has related his concept of realism in national policy to the specific issues of Charter revision in an article in this volume of *THE ANNALS*. See above.

Richard W. Van Wagenen, Ph.D., is associate professor of politics and director of the Center for Research on World Political Institutions at Princeton University. His field is international organization and he has taught political science at Stanford, Yale, Duke, Columbia, and Princeton universities. Earlier, he was on the staff of various organizations in the field of public affairs. During the period 1942-47 he served as an Army officer, mainly in military government, and was for two years Deputy United States Secretary of the Allied Control Authority for Germany. He is author of The Iranian Case: 1946 (in consultation with T. Cuyler Young, 1952) and Research in the International Organization Field: Some Notes on a Possible Focus (1952).

* * *

COMMENTS

HEINRICH VON BRENTANO

There are two problems which appear to me to be of special significance. The first relates to the function of regional organizations within the framework of a universal organization, the second to the significance of the veto.

1. A universal organization, that is to

say, an organization with world-wide intercontinental membership as the United Nations in fact is, depends for its operation upon the homogeneity of outlook in the realm of international law and collective security of its most important members, as long as these mem-

bers retain as individual states sufficient strength to cause them to believe that they are not yet irrevocably dependent upon international solidarity. Now the Soviet Union aims at a system profoundly different from that aimed at by the free nations. At the same time the Soviet Union in its concentrated effort proves so strong that individual nations of the free world standing alone and by themselves cannot hope to resist successfully. Under such circumstances the creation of a community like that of NATO is the very condition of creating a balance of power, the balance of power being in turn the prerequisite of the preservation of peace. Thus it may be said that NATO forms a necessary means to fulfill the aims of the Charter of the United Nations.

2. The veto power is essentially the reflex of the belief of the states which insisted on it that they are strong enough, if need be, "to go it alone." The veto is essentially the reflex of sociological realities, if not objectively then at least as viewed by the individual states in question. As long as the recognition does not prevail that an attempt "to go it alone" is bound to fail, willingness to surrender this reserve

power will normally be very limited indeed. On the other hand if this recognition of the futility of isolated action really prevails, the use made of the veto power, even if technically given, will certainly diminish rapidly. One might, therefore, be inclined to use the paradoxical formula that the abolition of the veto will be possible the moment it is no longer particularly necessary to proceed to such abolition.

Taking a general view, I should like to insist on the importance of a worldwide forum, on the futility of attempts at formal change when not implemented by sociological reality, on the necessity for the free world to build up strength to create a balance of power, and on the urgent need to promote co-operative efforts designed to foster the appreciation of values dear to our society (such as the underdeveloped countries program). Finally, I would emphasize, wherever possible, the necessity of co-operative efforts designed to bring nations together in fields of common interest, where the power aspect is not exclusively dominant.

Heinrich von Brentano is chairman of the parliamentary group of the Christian-Democratic Union in the Bundestag of the Federal Republic of Germany, Bonn.

CLEMENT DAVIES

Dr. Van Wagenen's article setting out the immediate considerations involved in expanding the United Nations community, with particular reference to the problems of membership and regionalism, is an analysis which, to me at any rate, reveals almost total gloom as to the possibilities for betterment. It reminds me somewhat of the relevance of the directive given to those who had to plan the construction of the Mulberry harbors for the D day invasion of Normandy: Sir Winston warned his team not to waste time on the reasons why it

could not be done "as the difficulties argue for themselves." While Dr. Van Wagenen sees clearly enough the advantage of universalizing the U.N., he obviously does not think it will happen. In general, I suppose, Dr. Van Wagenen represents the so-called "realist" approach to the problem—although he hints at the insufficiency of that approach when he writes, . . . "if events should unexpectedly permit a sweeping revision of the Charter . . .," and again at the end of his article when he says, ". . . unless a massive change in

political climate should suddenly occur." But if the U.N. does not go forward in 1955-56 it will go backwards; it is certain that it will not stay still. The lesson of Dr. Van Wagenen's article for me is that nothing much is to be hoped for from the present setup unless new forces are brought to bear.

I am dismayed that there seems to be so little awareness of the critical point which the U.N. has now reached. Is it seriously thought that the nations at present outside the U.N.—comprising half Europe and half Asia, a third of the world's population—will be content to remain outside or even to accept a second-class associate membership? or, if they do, that the U.N. can continue the pretense that it is really a world organization? Have we not seen already at Geneva, in the discussions on Korea and Indochina, that if the U.N. does not put its house in order, then another organism or, at least, mechanism will take its place? It may well be, as Dr. Van Wagenen suggests, that regionalism can in certain measure be a substitute; but even then, there will be a need for some permanent forum where the different regions can meet on equal ground. If the U.N. cannot develop in such a way as to provide this, then it is doomed.

WORLD FEDERAL GOVERNMENT

According to the excerpt from Mr. Morgenthau's book on the realist point of view, quoted in note 8, larger groupings of nations are not ruled out, but there is no agreement on the means whereby they may be achieved. In these few brief comments I should like to propose that far greater emphasis should be given to the constructive movements outside the U.N. which, with totally inadequate funds in comparison with those on the other side of the Iron Curtain, are trying to break

the present deadlock. The prime need, as I see it, is for leadership to be given to the untold millions throughout the world who loathe war and will certainly support any real solution that abolishes it. These millions see clearly enough that nation-state politics have brought us to the present impasse and that nothing much further is to be hoped for from them. The only hope really is to go back to the ordinary folk in the world who are the *deus ex machina* able, if they once perceive the answer, to insist upon its implementation. That answer is of course World Federal Government, which Mr. Van Wagenen seems afraid to mention, even though countless leading statesmen throughout the world have supported the idea and a recent poll in the United States has shown that 46 per cent of the American public is in favor of a United Nations strengthened into an organization that would have sufficient power legitimately to be called a world government. It may interest your readers to know that operating on a shoestring, a few of us in the British Parliament have been able to build up a group of over seventy members of Parliament here, and in the space of three years the movement has spread to Parliamentarians all round the world. These new forces will, we believe, soon receive backing from many of the non-governmental organizations attached to the U.N., since they can thrive only if business between countries becomes less subject to obstacles than it is at present. Furthermore the U.N. Charter revision conference itself in its composition and form could reflect a far more democratic basis of representation than is the case at present in the General Assembly. That might be a beginning towards a U.N. more firmly based in the peoples and not only the governments of the world.

It may be argued by the realists that

leadership in governments is unlikely to heed these forces and frame the necessary policies at U.N. to reflect them. But is there not already the dreadful logic of the hydrogen bomb to constrain them? We must hope, pray, and assume that faced with his logic, with "equality of fear," governments will have the courage to make a reality of the hopes and longings of ordinary folk

the world over who all wish for the abolition of war.

Clement Davies, Q C., M P., London, has been leader of the Parliamentary Liberal Party in Great Britain since 1945. He is president of the Parliamentary Association for World Government. He has had a leading place at the commercial bar and has been chairman of numerous committees of the House of Commons

RAJESHWAR DAYAL

In certain circumstances it may be misleading to regard "expansion of community" as having the two dimensions of "breadth" and "depth." By separating these dimensions we tend to regard them as contrasting, and perhaps eventually as conflicting. It might be simpler and more accurate to say that the United Nations community should include and should fully represent all the varied political and ideological elements existing in the world today, and that any increase in the cohesiveness of this community must be built upon the foundation of this inclusiveness. Indeed, if cohesiveness is purchased at the price of exclusion, it is likely to prove a wholly fictitious gain.

A further disadvantage of this terminology is that no term seems to have been devised to express proper representation in the United Nations of its membership. Breadth is defined as including both the membership of the United Nations and those who support its ideals and activities. Depth is equated with cohesiveness, but representation of Member States by governments which are in effective control of them and which can undertake international responsibilities for them has obvious consequences both in terms of breadth and depth and can have an extremely powerful impact upon the degree of international community and the preservation of international peace.

Proper representation of China in the United Nations is, of course, the most important example, and no discussion of "community," even in the abstract, can be entirely relevant unless it provides terminology for recognizing and discussing this problem. It is extraordinary that there is no reference to the question of Chinese representation either in the abstract or specifically in this paper.

U.N. MEMBERSHIP

In discussing the advantages of the large-scale admission of new members, it is pointed out that new states which have emerged from non-self-governing or trusteeship status are more likely to follow the example of India and the Philippines than to "cause trouble for their former masters," that the balance of political forces would not change but only the size of the forces, and that if the new states should turn out to be recruits for neutralism, it would be just as well to register this fact within the United Nations. It does seem to us that the aim of the United Nations is not to create a membership which would not cause trouble for colonial powers, nor to preserve the present balance of forces in the United Nations if that balance is not representative of actual trends in the world. The United Nations must be conceived of as a dynamic and growing organization in which bal-

ances must change precisely because the world is always changing.

Professor Van Wagenen observes that the veto on membership could be eliminated in part without Charter amendment. If this means that it can be done by voluntary agreement among the permanent members of the Council not to use the veto on membership questions, it is merely stating the obvious without adding that it is improbable. If, on the other hand, it is suggested that the veto can be limited without the Charter being amended, and without the five permanent members agreeing on its limitation, we are at a loss to see how this can be done.

REGIONALISM

The article observes that while "breadth" applies mainly to the membership problem, "depth" applies mainly to the problem of regionalism. Both problems, it states, "embody the great dilemma of tightness as against comprehensiveness. Is it most effective that an international organization for the prevention of war consist entirely of a small but hard core, with the punch and maneuverability which comes from unanimity?" We doubt if unanimity is a proper ideal for the United Nations, and punch and maneuverability become very much less important if problems can be settled by conciliation and mediation within the United Nations.

Reference is made in the paper to the Costa Rican question being dealt with in 1948 by the Organization of Ameri-

can States. But no previous reference of the matter to the Security Council had been made. In the recent case of Guatemala, the matter was passed on to that Organization after the Council had already been seized of it. Can it be argued that the application of this reverse process has increased the sense of commitment to the United Nations?

It can hardly be argued that regionalism enhances the sense of world community. It is precisely certain states who are members of regional organizations who have most often invoked Article 2, paragraph 7, of the Charter, and opposed the inscription on the agenda of items unpalatable to them.

There are deep dangers in regarding regionalism as an alternative to the United Nations or as a means of divesting the latter of its primary responsibilities. If there is a sense of separate or divergent interests between certain countries or groups of countries, such organizations tend to increase that sense. If there are latent antagonisms between such groups, they may very well be intensified. The result may be to undermine and make considerably more difficult the achievement of the larger unity of the United Nations. It is only when the principle of universality is fully recognized and applied that the United Nations can adequately fulfill its great role for the preservation of peace.

Rajeshwar Dayal, New York City, has been Permanent Representative of India to the United Nations since 1952.

R. W. G. MACKAY

A sense of community has been developed in depth over a wide area to support institutions of government in India, China, the Soviet Union, and the United States, but the last country is by far the best example. Without the institution of the federal government,

the United States would not have developed as it has.

Cannot similar federal institutions be created in Eastern and Western Europe, Latin America, Africa, the Middle East, and Southeast Asia? A Federation of Western Europe, of which Great Brit-

ain was a part, would create one government over a wide area of 280 million people, among whom a sense of community already exists. Such a federation could lead to the Union of Africa, as most of Africa forms part of the colonial territories of one or other of the states of Western Europe. Furthermore, it should not be beyond the capacity of American diplomacy to create a similar federal institution for Latin America as a whole.

The Security Council of the United Nations is not really representative of the peoples or governments of the world. Red China is not a member, and France and Britain, who are members with a veto, certainly do not speak for Europe. If the Security Council were to consist of representatives from North America, India, China, the Soviet Union, Western Europe, Eastern Europe, Latin America, Africa, the Middle East, and Southeast Asia, it could provide an institution capable of arriving at decisions binding on, and supported by, the peoples of the world. Moreover, with the creation of these regional institutions, war would be banished in the individual regions, and there would be a possibility that the world-wide institution created on the basis of the regional organizations could in the long run prevent war.

If we wish to expand the United Nations community, there are at least two problems to face: first, it should embrace all the peoples of the world regardless of color, race, religion, or ide-

ology; second, it should consist of institutions through which the views of the individual peoples can be made effective. If the United Nations were founded on the federal institutions of ten such great areas of the world, we should resolve both these problems. Such governments would provide law and order in their own regions, which, covering large populations, would have a sense of community; and we should then begin to see the creation of institutions with a basis in reality and capable of resolving the economic and national problems out of which wars arise. With this development it would not be impossible to make the Assembly of the United Nations an elected body—elected by the people in each region—a thing which is impossible today because of the great disparity in size, resources, and stability of Member States, and because of the absence of other states.

Thus, an effective world organization being premature, we can work towards it by creating regional organizations which have a sense of community and which function over a wide enough area to make them both effective and stable.

*R. W. G. Mackay, M.A., LL.B., London, a lawyer, was a Labour Member of Parliament in Great Britain from 1945 to 1951. He is the author of *Federal Union and You Can't Turn the Clock Back*. A leader in the organization of the European movement.*

LESTER B. PEARSON

The further development of our sense of community is unquestionably, as Dr. Van Wagenen emphasizes, the crucial need of our time. In a sense, this has always been man's crucial need—the history of political actions and social relations in any period may legitimately

be regarded as that age's attempt to work out answers to the basic question "Who is my neighbor?" But though the essential problem is as old as history, the technical advances which we have made during recent decades in communications and in the power of

weapons have faced our generation with the need for a decisive and fairly rapid advance in the scale and level of community organization and attitudes—as the only alternative to serious risk of unparalleled destruction.

I like Dr. Van Wagenen's point that the expansion of community should be considered in terms of two dimensions—breadth and depth. There will also, I think, be agreement that progress is desirable in a third and qualitative dimension—for the community which we seek must be something more than the ant colony or the regimented monolithic society of the totalitarians. Cohesion is necessary but not enough.

EXPANSION IN BREADTH

As to expansion in breadth, I agree that the United Nations would benefit if it included more of the sovereign states which exercise influence in their parts of the world. I do not agree with the view of the United Nations as a form of anti-Communist alliance, which would be much improved if the few Communist members were ejected. The United Nations was not designed to be such an alliance, nor is it needed for that purpose. It is the invaluable role of the United Nations to serve as the constitutional framework for international co-operation: a unique forum and focus for negotiations, which, as I see it, requires as wide a membership as possible of states which qualify under the Charter.

The United Nations as a focus for negotiations is, I think, most useful if, like an honest mirror, it reflects the political face of the world as it is.

To those who complain that the United Nations provides Communist nations with an opportunity for propaganda, I would point out, as Mr. Lodge did at a recent hearing of a United States Senate subcommittee, that the U.N. arena provides us with an in-

valuable chance to refute false Communist propaganda before an audience which includes those nations whose sympathies are uncertain.

If vetoes, or the threats of vetoes, continue to prevent the entry into the United Nations of new members, we might in time have to explore ways in which qualifying nonmember nations might be associated with United Nations work. But I do not think we should abandon the far preferable possibility of reaching some agreement on the entry of applicants. I would not be opposed to a "package deal" as such. Where moral principles are not betrayed, compromise is the civilized and traditional method of making progress with competing interests. This is as legitimate in politics as in business. Where "package" deals are objectionable, it is the contents, and not the wrapping together, to which exception is sensibly taken.

I certainly agree with Professor Van Wagenen's point that deeper or more far-reaching and precise commitments to narrower groupings such as NATO or regional organizations need not in any way conflict with loyalty to the United Nations, and can indeed strengthen it.

As I have already suggested, the primary value of the United Nations flows precisely from the fact that it is so nearly universal, that it does embrace within one constitutional system, however embryonic, both sides in the cold war, and many nations whose attitude to that prevailing tension is "neutralist." It is precisely this near universality that can make the United Nations valuable if we are ever to move toward the gradual relaxation of tension and lowering of temperatures essential to any secure peace.

Meanwhile, the United Nations can also serve effectively for international police actions, as the Korean example illustrates. The "Uniting for Peace"

resolution gives added flexibility for this function, should it be needed. Where more fully articulated and more highly organized collective security arrangements are necessary, these can be and are achieved through such arrangements as NATO or ANZUS.

Conflict is no more inevitable in the multiple loyalties which simultaneous membership in the United Nations and in other organizations entails than it is in an individual's loyalty to family, school, town, and nation.

EXPANSION IN DEPTH

I agree wholeheartedly that we must extend our community in depth, and agree too that this is above all a problem of psychology—of political habits, intellectual outlook, and moral attitudes. As Professor Van Wagenen says, the sense of commitment is an important element in the sense of community. This is why threats by one party to withdraw from the community if outvoted on some question tend to jolt and weaken the community as a whole: for threatened withdrawal implies so limited a commitment, so feeble a loyalty, to the international system itself.

Probably the most important contribution which political leaders can make to any "expansion in depth" of international community lies in the field of more adequate consultation between friends. For it is consultation alone that can produce democratic unity, and that distinguishes free allies from reluctant camp-followers. In this con-

nection I was somewhat puzzled by Dr. Van Wagenen's statement that "the habit-forming effect of international relations has been neither proved nor disproved." Surely the attitudes of awareness, consideration, and understanding generosity which prompt consultation with others can become habitual in international society as elsewhere. These qualities never come easily, but on them the unity and therefore the fate of the free world may well depend.

There is another way in which the United Nations community can be increased in "depth." Although its members are national states, its success depends in the last analysis on the support of the peoples who are in the widest and truest sense the U.N. community. That is why the work done by private organizations within Member States to educate the public about the United Nations, and to enlist their thinking support, is a significant but often overlooked pillar of that community. The present studies connected with a review of the Charter may themselves, by stimulating and increasing public interest in the United Nations, aid in this vital work.

Lester B. Pearson, M.A. (Oxon), LL.D., D.C.L., Ottawa, Canada, Secretary of State for External Affairs of Canada, was senior adviser of the Canadian delegation to the San Francisco Conference and has represented Canada at subsequent meetings of the United Nations General Assembly. He was chairman of the Canadian Delegation from 1948 to 1951 and President of the seventh General Assembly (1952-53).

YOU CHAN YANG

I recognize that Dr. Van Wagenen's thesis is an effort to be fair and to balance carefully what I term the pros and cons of the United Nations, but it is difficult for a Korean to be philosophical and restrained when his country has

been ravaged by a cruel and remorseless enemy, and he pictures homeless women and children fleeing before the roaring guns and the heavy tanks of aggressive Communism.

The pros of the United Nations were,

so far as its inception was concerned, deeply rooted in the hearts of all who believe in freedom and the preservation of the dignity of man. When the United Nations was brought into being, it seemed to be a further affirmation of the Four Freedoms and the Atlantic Charter, and it gave hope to all whose dream was peace.

But the cons were not long in developing. The magnificent effort of the United Nations in Korea, wherein collective security was invoked for the first time, has since been dissipated because the Communist aggressor remains in control of half of Korea and is even being considered for membership in the United Nations as I pen these words.

I hope and pray that the United Nations will not die, but revision of its Charter, "enlargement of the community interest," and other devices to restore its onetime vigor and to prolong its life will all fail, in my opinion, unless it returns to the basic principles adopted when it was founded.

The past months have seen further and further disregard of its utility and possibilities. It has been bypassed in numerous conferences by powers large and small. As a consequence, many nations—and particularly the smaller nations—have had their initial faith in it weakened to such an extent that even now they are doubtful of an effective

future for it, while it has yet to attain its tenth birthday.

Why cannot the United Nations operate like the forty-eight states of the American Union? Some observers in this country have pointed out, for example, that apparently the state of Texas has little in common with, say, the state of Vermont. Texas is vast and expansive, full of oil and millionaires, we are told, whereas Vermont is small and compact with little farms and slow population growth. Yet when the security of the United States is at stake and the state of the Union is endangered, Texas responds to the alarm and so does Vermont—and so do the other states.

I am proud of the Korean people for their response in the face of the Communist danger, and all Koreans will forever be grateful to the American people for coming to our rescue; we are grateful also to those other United Nations Member States who likewise responded.

But until and unless the United Nations—at least the free members of it—answer instinctively and instantly when freedom is at stake anywhere in the world, its future cannot but be enshrouded in doubt.

You Chan Yang, M.D., Washington, D. C., is Ambassador of the Republic of Korea to the United States.

Improving the Policy-making Processes

ANALYSIS AND PROPOSITION BY H. FIELD HAVILAND, JR.

COMMENTS BY LAWRENCE S. FINKELSTEIN, G. A. LINCOLN, LOUIS B. SOHN,
AND KENNETH YOUNGER *

"... the Knight said, ... 'The great art of riding ... is to keep your balance properly. ...' He let go the bridle, and stretched out both his arms to show Alice what he meant and this time he fell flat on his back. ..."

DESPITE loud and frequent declarations of what ought to be done, the United Nations has found it just as difficult as Alice's friend, the White Knight, to stay astride its own lively aspirations. Moreover, the swelling legions of enthusiastic advisers who are preparing their champion for the review joust of 1956 run a similar risk of letting hopes outrun reality. It is important, therefore, as we reflect for a moment on the policy-making processes of the major U.N. organs, particularly the General Assembly and Security Council, to see those processes as part of the total world environment within which they have developed and must continue to develop in the future.

To try to squeeze the essence of that environment into a brief paragraph, one is bound to begin by pointing out that the dominant forces that have shaped the U.N. have been the interests of the most powerful nations, particularly the United States and the Soviet Union. Another major factor has been the rising level of expectations of the underdeveloped and non-self-governing peoples, who have found it advantageous, as well as painful, to be fought over by the

behemoths. Finally, our ever accelerating technological development has made all nations more intimately dependent on each other than most of them—small as well as large—have been ready to acknowledge through a pooling of powers and resources.

Besides reminding ourselves of the impact of these forces, we must avoid the easy luxury of unco-ordinated hit-and-run recommendations, aimed primarily at our pet hobbies among the U.N.'s many functions. Rather we must relate our advice to the whole pattern of U.N. responsibilities and, furthermore, measure all suggestions in terms of carefully thought out basic assumptions underlying the entire structure. The first assumption, I suggest, should be that the United States and the Soviet Union are likely to remain the two most crucial powers in determining the success or failure of the U.N. and that it would be foolhardy to attempt any revision of the U.N. that would force either one outside the pale. Second, I assume that, since the "veto" governs all amendments to the Charter, it is improbable that any basic revision of the U.N. can run the gauntlet successfully. Third, I assume, nevertheless, that, within these limits, there is considerable leeway for improvement through making more effective use of what now exists. Fourth, I assume, concomitantly, that our gravest world

* EDITOR'S NOTE: Additional consideration of the issues discussed by Professor Haviland appears in the articles by Carlos Romulo, Raymond Aron, Hans Morgenthau, Aleš Bebler, and David Key, and in the comments by Heinrich von Brentano and R. W. G. Mackay.

problems today—economic and social as well as political and military—require increasing integration of our separate national communities, that such integration can prosper only if organized along democratic lines, that we should take bold and immediate steps towards that goal with all countries that believe in and practice at least the minimal concepts of democracy, and that the necessarily limited membership of such arrangements need not hinder but can help the cause of peace.

THE GENERAL ASSEMBLY

With these basic assumptions in mind, let us look at the policy-making processes of certain major U.N. organs, noting past trends and weighing possible alternatives for the future. In the case of the General Assembly, the most striking and generally recognized trend has been its rapid blossoming into prominence in the political field in contrast to the progressive wilting of the Security Council. Yet the public at large is not generally aware of all the factors which have encouraged this development or of all its negative as well as positive aspects. While it is true that the major anti-Soviet powers, and chiefly the United States, have led the way, it is also true that the Soviet bloc itself has advocated a stronger role for the Assembly when such a tactic has seemed to favor Soviet interests, as in connection with the situations involving Spain, the Soviet complaint of United States aggression against China, the status of the former Italian colonies, and Palestine. The smaller countries, of course, have also favored vigorous development of the Assembly's role, as they did at the San Francisco Conference, although some of them have occasionally been alarmed at the weight of the political burdens which the United States and others have wanted to shift to the Assembly, notably various aspects of the

Korean conflict. At the same time, many of the underdeveloped and non-self-governing nations have increasingly appealed to the Assembly to counteract what they take to be excessive inertia on the part of the Economic and Social Council, the Trusteeship Council, and the Assembly's Special Committee on Information from Non-Self-Governing Territories, in which the great powers are heavily represented.

Against this background we must consider the question: What are the relative advantages and disadvantages of this development in the light of the basic assumptions set forth above? On the positive side, one can say that resorting to the Assembly has avoided complete paralysis on some issues, particularly those due to stalemates among the great powers in the Security Council. Moreover, though the Assembly is limited to a recommendatory role, it has been able to generate a significant degree of compliance in some instances, as in the enforcement of an embargo on the shipment of war materials to Communist China and North Korea. Its deliberations also involve the broadest range of nations represented in any U.N. organ and hence the broadest range of potential collaboration. Finally, although some observers deplore the absence of weighted voting in the Assembly, one should recognize that there is informal weighting due to the obvious influence of leading powers—India, for example, as well as the United States—and the deference shown them in appointments to all U.N. subbodies and in other organizational arrangements.

On the negative side, however, there is still the disadvantage that the voting strength of a country in the Assembly bears no necessary or direct relation to its actual significance in terms of human or material resources. Recommendations can be, and have been, passed

without the endorsement of the only nations capable of supplying the support necessary for their success. To take an extreme example, the Assembly, during its 1948 session, approved a resolution on the financing of economic development without the backing of a single permanent member of the Security Council. Some of the less powerful nations are also capable of exercising a kind of "veto" to the extent that they can control, particularly through the Latin American and Asian-Arab blocs, approximately one-third of the votes on any question.

A second disadvantage is that, if the Assembly is pushed too far, some of the most influential members, such as the Soviet Union or India, may be seriously alienated, even to the extent of being forced out of the U.N. altogether. A third objection is that this trend has sometimes resulted in a maddening duplication of debate on such issues as human rights, which have dragged from subcommission to commission to Economic and Social Council to Assembly main committee to plenary meetings of the Assembly, and then around the barn again. A fourth criticism is that appeals to the Assembly promote excessive laundering of dirty linen before the world public, although this argument is apt to underestimate the ample opportunities that exist for off-the-record negotiations in the corridors and lounges at U.N. headquarters. Others have said that easy access to the Assembly relieves the great powers, in too high a degree, of the responsibility for working out compromises among themselves on situations in which they are the principal determinants of an effective solution.

What, then, are likely alternatives for the future? To what extent should the Assembly be utilized in preference to other channels? One extreme alternative would be to expand the Assembly's appetite to devour most of the

functions of the other U.N. organs. But this would probably lead to severe indignation and certainly deprive the Assembly of the invaluable assistance of smaller, more flexible, and specialized bodies. In the other direction, one might try to bar the Assembly from even discussing certain matters (perhaps questions requiring "action") or certain subjects at certain times (possibly political issues on the agenda of the Security Council). Yet we have learned that there are decided advantages, within limits, to be derived from using the Assembly as a relatively free, though weak, general forum of last resort.

A third alternative is to use the Assembly only to the extent of, and not beyond, its capacity for effective performance. For example, until the Assembly can be endowed with the prerequisites necessary for an adequate collective security system, it can be said that it should rely primarily on either the Security Council or complementary external arrangements such as the North Atlantic Treaty Organization. Nor does the Assembly seem equipped to engage in exhaustive analytical studies or drafting efforts required for U.N. economic and social activities, such as the human rights program. For these functions, it can be argued that the Assembly should depend principally on its related councils, commissions, and committees, which, in turn, may need reorganization (discussed in separate articles above).

Another question is: What powers should be granted the Assembly? At the outset it should be recognized that there is little evidence that the major powers would approve any real legislative authority for the Assembly. Yet we have seen that there are considerable opportunities for developing widespread compliance within essentially the present framework. Moreover, the Assembly can improve its peaceful settlement pro-

cedures, including the skills, timing, level, and other aspects of such negotiations, in order to take fuller advantage of those situations that are ripe for such efforts.

Another question is: Can Assembly voting be improved? Here again, the principal powers do not seem inclined to alter the Charter. One possibility, however, would be to place certain operational programs under somewhat autonomous subbodies, such as the United Nations Children's Fund (UNICEF), with provision for weighted voting in their governing councils. Further efforts might also be made to clarify the application of the two-thirds rule.

THE SECURITY COUNCIL

Now turning to the Security Council, one can say that, in spite of that organ's relative decline in comparison with the Assembly, it is still a useful instrument, given the proper climate. It was designed to facilitate collaboration among the great, and near-great, powers, and it can continue to function in this role whenever feasible, as it has in connection with situations such as those involving Palestine, Indonesia, India, and Pakistan. As for the Council's basic authority, any change requiring Charter amendment seems out of the question. One alternative, however, would appear to be to continue the present pattern of depending primarily on the Council's recommendatory rather than its binding authority, as in the situations just cited. More might also be done to improve the

Council's peaceful settlement functions as already suggested with reference to the Assembly.

Should the Council's voting procedures be altered? Once more, it is improbable that the United States and the Soviet Union can agree on any formal change in the Charter, but it may prove feasible to ease the situation in practice. It has already been possible to achieve at least tacit agreement that an abstention is not a veto, and it might be possible to expand the category of "procedural" questions to be decided by simple majority, as suggested in the studies of the Assembly's Interim Committee.

Again emphasizing one of the basic assumptions set forth above, it would seem shortsighted, to say the least, to destroy the bridge in the process of repairing it. Improvement should not be sought at the risk of jeopardizing the participation of the United Nations' most influential members. At the same time, we should do more to increase public understanding of another assumption referred to above; namely, that current world problems call for increasing international integration. True, integration will not guarantee peace, but it can remove many of the most divisive barriers that are constant invitations to conflict. Yet we must also recognize that integration comes most easily at the less universal level, where there is the greatest consensus, and most painfully at the most universal level, since it is there we find the greatest heterogeneity of cultures and interests.

H. Field Haviland, Jr., Ph D., is associate professor of political science at Haverford College. He has also served recently as chairman of the Woodrow Wilson Foundation's Seminar on the United Nations and as consultant to the Brookings Institution. He is coauthor, with Daniel S. Cheever, of American Foreign Policy and the Separation of Powers (1952) and Organizing for Peace: International Organization in World Affairs (1954). His own work, on The Political Role of the General Assembly (1951), appeared as the seventh volume in the United Nations Studies series published by the Carnegie Endowment for International Peace.

COMMENTS

LAWRENCE S. FINKELSTEIN

Implicit in many of Professor Haviland's conclusions is a verity about the United Nations which comes near to being an eternal one—at least as far into the future as it is possible to project—namely, that the United Nations for most important purposes is little, if anything, more than the sum of its national components. The interplay of national policies through the United Nations and the balances struck among those policies largely determine how the United Nations operates, what it achieves, and what its potential may be. Professor Philip Jessup used to pose the question for his graduate classes by asking: "Is the United Nations an 'it' or a 'they'?" The answer is clear: The United Nations is a "they."

This assumption, it seems to me, is crucial for any examination of how the United Nations policy processes can be improved. For it suggests, as Mr. Haviland has implied, that the place to turn for the most important answers is to the policies of the national members of the United Nations. In this conception, the United Nations is an instrumentality through which nation-states can strive to accomplish their national objectives, especially the ones which they have set forth in Article 1 of the Charter as the "Purposes of the United Nations." This does not deny that there are useful questions to be asked about the procedures of the Organization itself, about the practices of the organs, or the wording of its rules of procedure. But it does assert that those questions are secondary to the more basic ones about the conceptions which nation-states have and which they follow concerning the place of the United Nations and the role they will play in it.

In these terms, the key question for Americans is not "In what ways can we improve the operation of the United Nations by changing the provisions of the Charter or by modifying the procedures under which it operates?" but "How far has the United States made the most effective use of the United Nations as it is and how can better use be made of the United Nations in the future?"

This brief "comment" does not permit examination of the many directions in which the question may lead. There is space for only one sally—and a brief one at that.

Since 1950, the most dangerous threats to peace and security in the world—and to the peace and security of the United States—have arisen in the Far East, in the Korean and Indochinese conflicts. A comparison of these two cases, especially in terms of how United States interests were served, is revealing.

KOREA

In the case of Korea, the United States moved immediately to stem aggression through the United Nations. The United Nations served as a vehicle for mobilizing diplomatic, political, and material support for the defense against aggression which was mounted on United States initiative under United Nations auspices. The result was a signal triumph for freedom in the world and for American interests, not only because the aggression was thwarted and the cost of overt aggression amply demonstrated, but also because these results were accomplished in a local war which was prevented from becoming a general conflagration. The importance of the United Nations in focusing and perhaps

magnifying the pressures against total war cannot be definitely calculated, but it was certainly great.

The North Korean advance across the 38th parallel which initiated the hostilities was unmistakably identified as an act of aggression, even by neutral-minded India, because (1) the Korean case had been on the General Assembly agenda since 1947, as a result of United States initiative; (2) the legitimacy of the government of the Republic of Korea had been recognized by the General Assembly; and (3) a United Nations team in the field was able to certify that it was the North Korean forces which began the fighting by moving across the parallel. Had it not been for these three facts many governments would have been strongly impelled to regard the fighting as a civil war between rival claimants to control of Korea. Once the act of aggression was identified, the United Nations helped to solidify and expand the working alliance of free nations against the aggression.

Finally, the United Nations served as a means of permitting the mediatory influence of the uncommitted countries to be effectively exerted. The fighting was ended and the Armistice Agreement signed partly because of the role which countries such as India were able to play in the United Nations in drawing the opposing sides toward a common denominator.

INDOCHINA

Contrast this history with the case of Indochina, which never came before the United Nations. The recent settlement in Geneva, enforced no doubt by circumstances, was a grave blow to freedom in the world. The losses which Geneva ratified are the most severe suffered by the democratic world since Czechoslovakia fell in 1948 and China shortly thereafter. Beyond these, there was the unhappy spectacle of American

diplomacy isolated as it has never been since we turned our backs on "isolationism" at the outset of World War II. In Indochina, there was never an identified "act of aggression" which could serve as the rallying point for free-world resistance. On the contrary, many nations continued until the very end to regard the fighting in Indochina as a colonial war, in which their sympathies were with the forces opposing the French.

WHAT WAS THE DIFFERENCE?

It is no doubt a great oversimplification to suggest that the difference between the two cases lies in the fact that one was handled by the United Nations and the other was not. And it would be grossly unfair to the United States government to imply that there was not awareness of the value of employing the United Nations and even an effort to persuade the French to submit the Indochina case for United Nations action. But it may well be that in this difference may lie an important part of the difference in the results. Who can say that three or four years of United Nations discussion would not have convinced even the "neutral" nations that the Vietminh stood for the subjugation rather than the liberation of Indochina? The opportunity for exposure was not exploited. Who can say that a United Nations guarantee of Indochinese independence in the future would not have gone far to eliminate the confusion over "colonialism" which permeated all consideration of the issue? The guarantee was never sought. Who can say that the United States might not have won in the United Nations diplomatic and political support for a solution in Indochina which would have safeguarded Indochinese independence and guaranteed free elections? We could certainly not have been more isolated than we were at Geneva. Who can say that the

United Nations arena and the intervention of United Nations agencies might not have facilitated an earlier cessation of fighting and better terms? In any event, the costs of continued fighting could hardly have been much greater than they were or the terms of settlement much worse.

FULL USE OF* U.N.

This analysis at least suggests that before permitting full rein to our zeal for reforming the United Nations we ought first to attempt to use it as well as it can be used. The Korean case amply demonstrated the rewards of doing so, although not, of course, without travail and difficulty.

In using the United Nations to the full, there is always the risk, to which Professor Haviland referred, that the Soviet Union will feel itself forced to withdraw from the organization. With him, I agree that it would be "foolhardy" to force the Russians out by attempted revision of the Charter; and to that I would add "or by any other means," except in the direst circumstances. But this is a risk which has

already been taken many times. The "Uniting for Peace" resolution ran that risk. So did the United Nations firmness in Korea. The Korean experience suggests that the Soviet interest in staying in the United Nations is fairly strong. Despite the fact that the United Nations was used in Korea to thwart Soviet objectives, over Soviet opposition, the Russians did not withdraw. This is not to deny that the risk exists. But at what point the risk becomes operative it is hard to predict. And against the risk there is balanced the certainty that, if the United Nations is not employed to help deal with the major problems of our times, it will atrophy and die. No better instrument exists to help strive for the purposes set forth in the Charter.

Lawrence S. Finkelstein, New York City, on the staff of the Carnegie Endowment for International Peace since 1952, was formerly with the Division of Dependent Area Affairs of the Department of State, the Trusteeship Division of the United Nations Secretariat, the Council on Foreign Relations, and the Institute of Pacific Relations

G. A. LINCOLN *

Dr. Haviland has taken a reasonable and realistic approach to the question of Charter revision, and his point that we might "destroy the bridge in the process of repairing it" should be given the most serious consideration by both those who are enthusiasts and those who are skeptics concerning the U.N. Although this point is clearly made, I wish he had stressed it more and had taken the opportunity to stress also that capabilities for Charter revision are, in fact, inherent to the day-to-day operation of that Charter. The "Living Char-

ter" has been evolving, like the British Constitution, very rapidly through usage. It would seem that this method and direction hold more hopes and less hazards, for the present, than any attempt at formal review and revision. Dr. Haviland has done a service in shooting some well-aimed shots into the rather usual United States faith that improvement can certainly be attained by institutional and procedural changes.

The article does not appear to define precisely what we expect the U.N. to contribute to the operation of affairs among nations. Although the point is not stressed, perhaps because it is so

* With the assistance of Captains Griffith, Klemmer, and Traber, U. S. Military Academy

obvious, the operating aspects of the U.N. in the security field were conceived on the assumption of substantial unanimity among the great powers. This situation has not come about. Furthermore, the concept of the U.N. as being a policy-making (rather than a policy-recommending) body may tend to be dangerous because, to some minds, there may be a strong implication of too close a similarity to national democratic legislatures. The U.N. makes vital contributions as a clearinghouse for diplomacy, as a forum, and as an essential institution for achieving maximum understanding and identifying maximum areas of agreement on difficult problems—these are vital contributions. But the U.N. does not make the policy; rather, the states which are members make U.N. policy, and it is effective policy only in so far as Member States accept and support U.N. conclusions.

SOME SUGGESTIONS

Following the line of these summary and admittedly incomplete thoughts, it seems that even more stress might be placed on (1) the importance of the recommendatory role and (2) on the need for restraint in proposing and pressing matters which some states consider contrary to their vital interest. As to the first point, the recommendatory role could be well and effectively argued for as achieving the maximum effectiveness that the U.N. can be expected to attain in the near future. If a state cannot be brought to react favorably to a recommendation, it is difficult to see how any working of the U.N., as conceived at San Francisco, could force it to react. As to the second point, the need for restraint is, of course, inconsistent with the almost uncontrollable urge of small or new states toward using this unprecedented opportunity to throw their weight about in world affairs.

Rather than a policy-making process, there is a tendency toward use of the U.N. to further changes. Sometimes these changes are opposed by affected nations on the grounds that they are not the concern of the U.N.

Dr. Haviland's article might have brought out somewhat more clearly that the various committees and commissions of the Assembly have some similarity to the committees of a national legislature. With more maturity, proposals impossible of acceptance might be kept in committee until an area of agreement is reached which would seem to permit some useful exercise of the recommendatory role of the Assembly. Such a perfected method of operation should eliminate some of the concern over an expanded "appetite for problems." These thoughts, however, presume much more restraint in using the U.N. as a propaganda sounding board than currently exists.

SOME QUESTIONS

There are at least two matters touched on in the article on which I should like to hear more of Dr. Haviland's views. First, what are the appropriate areas for U.N. policy making in a divided world—if analysis, determination of areas of agreement and disagreement, and exercise of the recommendatory role are called "policy making"? Second, by what policy and administrative expedients do we bridge the gap between the universal U.N. and the regional organizations and nation-state executive agents (the United States in the case of the Korean War) which logically have to carry out a collective security action of any magnitude? When successful policy necessitates a program of execution, what are the guidelines for that execution? This is a most important aspect of the policy-making process. If we define such practical guide-

lines, perhaps we shall know more about practical policy making.

Colonel G. A. Lincoln, West Point, New York, professor and head of the Depart-

ment of Social Science of the United States Military Academy, is coauthor of Back-ground for Our War (1942) and International Politics (1954) and author of Economics of International Security (1954)

LOUIS B. SOHN

While I agree to a large extent with Dr. Haviland's analysis of the present situation, I believe that his "alternatives for the future" do not properly present the choices with which we are now confronted. Though he himself advises against "hit-and-run recommendations," his suggestions cannot be easily fitted into any clear pattern.

The basic points in Dr. Haviland's analysis are that the Security Council has not been able to discharge the principal responsibilities imposed upon it by the Charter and that the General Assembly has unexpectedly taken over many of the functions of the Security Council. But he admits that the Assembly does not exercise its newly acquired functions in a responsible manner, and seems to recommend that maintenance of peace should be put again in the hands of the Security Council and that the Council should use for that purpose only its recommendatory powers, abandoning its power of making binding decisions. Dr. Haviland does not believe in the possibility of changing the voting rules in the Assembly or the Council; he suggests only such minor changes as can be made without a Charter amendment.

We should not try to turn the clock of progress back. The great powers were given a chance to direct the affairs of the world by means of the Security Council, and they failed ignominiously. The power has shifted to the General Assembly and it should stay there. The only question before us is: How can we make sure that the General Assembly will properly exercise its new responsibilities?

The first step would be to make the General Assembly more representative of the peoples of the world. This can be best accomplished by replacing the present "one state—one vote" system by a weighted voting system which would ensure that a decision of the majority of the General Assembly would represent actually the will of the majority of the world's population. Dr. Haviland asserts that the principal powers do not seem inclined to alter the Charter provisions on voting, but it is quite clear that they would be the chief beneficiaries of any such change and there is no reason to assume that any one of the great powers would veto an amendment granting to them larger representation than they now possess. The Secretary of State of the United States has recently suggested that weighted voting be introduced in the United Nations, and it may be expected that the United States will press for an appropriate amendment and that other great powers will rally behind it.

Once that problem is solved, it will be much easier to grant to the General Assembly officially the powers which it is now exercising in a manner not always consistent with the Charter. It might even be possible to endow the Assembly with new powers which would enable it more effectively to perform its role as the chief guardian of world peace.

Louis B. Sohn, M.Dipl.Sc., LL.M., Cambridge, Massachusetts, is professor of law and John Harvey Gregory lecturer on world organization at Harvard University.

KENNETH YOUNGER

Dr. Haviland's reflections lead him to the conclusion which most serious students of United Nations Charter reform have found inevitable—that major changes in the Charter cannot be forced through without driving some major members out of the organization; and that this is far too high a price to pay. The only changes which can be seriously contemplated are therefore either quite minor in character or involve modifications of practice and procedure rather than Charter revision.

MEMBERSHIP QUESTIONS

Dr. Haviland rightly stresses the decisive influence of the United States and the Soviet Union, and sees clearly that any action which would drive either out of the United Nations would be not so much a reform of the United Nations as its abolition and a replacement by something quite different. I should like to see him carry the argument further, and point out that the absence of other major powers from the organization is also a serious obstacle to the effective handling of world affairs through the United Nations.

The case which leaps first to mind is China, for no one, whatever his views on the government which sits in Peiping, can seriously maintain that the Chinese state is now effectively represented in the United Nations. But there are other instances almost as damaging. In the Far East, it is not only China but also Japan which is without a voice in the world organization. What serious discussion on Far Eastern problems can, in such conditions, take place in the United Nations?

Europe is no better. How can the United Nations play a significant role in Europe when Germany, Italy, and numerous smaller European states are

not there? The answer is that it cannot and does not play a significant role in Europe. This situation was accepted in the immediate postwar period, when the settlement with enemy states was deliberately left to the Council of Foreign Ministers. Ten years later, however, this "transitional" arrangement must somehow be superseded. Otherwise the United Nations will inevitably be relegated to a subordinate status and become quite unimportant.

For this reason the decision which is most urgently needed in the United Nations is about its own membership. This is not a question of abolishing or circumventing the veto. The only way to secure effective membership for the United Nations is by a horse trade, whereby all the controversial applicants are balanced against each other and admitted together—China with Japan, Spain with Hungary, perhaps even East with West Germany, and so on.

This idea will shock many, but it is not really shocking, for there are certainly states already in the organization whose claims to "peace-loving" status or even to effective independence are as dubious as those of any new applicant. The problem is not a moral one at all. It is simply the question whether disputes between the real antagonists in world affairs are to be handled in the United Nations or elsewhere. If the present membership remains unchanged they will be handled elsewhere.

GENERAL ASSEMBLY AND
SECURITY COUNCIL

Beside this, the relationship between the General Assembly and the Security Council—on which I broadly share Dr. Haviland's approach—is of secondary importance.

There is still a role for the Security Council, especially in the field of disarmament where great-power agreement is indispensable. The increased influence of the General Assembly is, however, to be welcomed. It does not give the United Nations the authority for which the makers of the Charter hoped, but in the absence of great-power unity and a mandatory enforcement system it provides a certain check to open aggression and, if the worst occurs, sub-

stantial moral backing for collective resistance to aggression.

Kenneth Younger, M.P., London, was a member of the United Kingdom Delegation to the General Assembly of the United Nations (1946-50), Parliamentary Under Secretary of State for Home Affairs (1947-50), and Minister of State for Foreign Affairs (1950-51). He is vice chairman of the Royal Institute of International Affairs.

International Control of Armaments

ANALYSIS AND PROPOSITION BY DAVID F. CAVERS *

COMMENTS BY GRENVILLE CLARK, BENJAMIN V. COHEN, W. STERLING COLE,
AND PERCY C. SPENDER

POLITICAL tensions induce increased armaments; increased armaments heighten political tensions; heightened political tensions . . . and so on. At what point should we try to cut into this circle? And could this action be taken within the framework of the present Charter or would revision be necessary?

In seeking a point of beginning, I turn to arms control in part because I am pessimistic about political settlements. We may succeed in negotiating this treaty or that truce, but I suspect we shall find that ending the particular disputes has not ended either the prevailing rivalry or the tension that accompanies it. But, after all, do we really shrink from rivalry or even tension? Is not what we fear the very real risk that, under present conditions, they may lead to atomic war?

Arms control could cut down that risk materially, even though the free nations remained pitted against the Communist states. The fears that have always resulted from a race to achieve security by arms are being magnified many dimensions today by the combination of military secrecy on an un-

precedented scale with the widespread realization that, behind whatever curtains the other side has drawn, it is building up a terrible potential for atomic destruction. When fears of this sort become acute enough, people seek release, and talk of preventive war can command a hearing—on both sides.

A control plan worthy of the name would end the dangerous secrecy and the arms race as well. The very act of entering it would gainsay warlike intentions, at least for the short run, since the disclosures required by the plan would go sharply counter to the war-maker's interest. Moreover, the adoption of the plan itself would have disposed of a number of issues (for example, various rearmament problems) which are commonly regarded as political but which the plan's designers would have had to resolve in setting up a workable control mechanism.

Happily, every day a control plan lasted, the harder it would become to discard. A people can regret a political settlement bitterly; the sacrifices entailed by its inevitable compromises are called appeasement. But how many people would lament a cut in the arms bill? And if the first cut had been small, would not political pressures grow for more? Arms limitation could become a vested interest, since at least some of the funds it freed would find their way into budgets for peaceful development in which millions would have a stake.

The difficult part of the business is getting started. I see no evidence that

* The writer is indebted to his colleague, Professor Louis B. Sohn, for helpful criticism and references to United Nations experience.

The record of the London meeting in May and June of the five-power subcommittee of the UN Disarmament Commission was disclosed after this article was written. Held at a time of great political uncertainty, the meeting was an exercise in reconnaissance, neither side being ready to make major concessions. Our own were concealed in ambiguity.

drastic proposals can command acceptance now or that complex plans can be negotiated. However, the start must be genuine. A false beginning would make it harder to muster support for a second try. Therefore, the most hopeful move toward peace may be the least ambitious control plan that is consistent with national protection.

BLUEPRINT FOR CONTROL

A blueprint for control may be magnificently simple and demonstrably effective, and yet be ignored. To secure the support of the rival blocs calls for motives on their part other than admiration for the control plan. Such motives may exist today, but, before noting them, I shall outline a minimal control plan and consider its relation to Charter revision.

First, a point of clarification. Standing alone, the reiterated Soviet proposal, a pledge against the use of atomic weapons, is *not* a control plan, however sweeping its terms. It typifies the dangers of a false start. Ought the men responsible for the size of America's atomic arsenal to reduce it by one kilogram because the Soviets gave such a pledge? Ought the Soviet promise to induce us to be any more lax as to defense measures than we already are? And would the Soviets be any less vigilant because the United States had taken oath? Of course not. And would not the reports of a continuing atomic arms build-up after the pledges had been solemnly signed and the souvenir pens distributed induce in newspaper-reading citizens everywhere either cynicism or hopelessness? If this is to be avoided, the pledge must be accompanied by a control plan.

A second point: an atomic weapons control plan is not a sufficient control plan. Today such a plan could give no assurance that at least some, and

possibly a good many, atomic bombs were not hidden away, and thermonuclear fusion has multiplied the destructiveness of even a small supply. Control of the air would, therefore, remain a rational military objective, and a good excuse for a race in conventional armaments. And the hard task of policing atomic operations without uncovering the secrets of the uncontrolled armaments would sharpen, not quiet, suspicions.

DISARMAMENT AND ARMS-REDUCTION PLANS

What we need, then, is a control plan that actually controls and that extends to all weapons. Must it *forbid* all weapons, compel true disarmament? No. That is a long, hard step, a step we ourselves are far from ready to take. At this stage, it remains a goal, not a means. But should a control plan not require at least the reduction of present armaments? That, in some respects, is a move even harder to negotiate than abolition. If reduction does not operate equally, one side has had its position worsened and may be endangered. But how is equality to be measured, given the prevailing diversity of defense needs, weapons, and auxiliary devices? How are we even to begin to balance reductions until both sides have disclosed their present arms? Yet, having thus surrendered the shield of secrecy, suppose they failed to agree on controls? It is easy to see why proposals for arms reduction which begin with an arms census get nowhere.

STANDSTILL PLAN

A minimum arms control plan is one that would do no more than stop the present arms race and keep it stopped. After such a standstill agreement had been put into effect—and it need have

no limit as to time—the control agency would then have to take an arms census both to police the arms standstill and to work out the details of permitted replacements. But by that stage the agreement would have been reached and both sides would have bound themselves not to increase armaments, whatever imbalances the census revealed.

Suppose a standstill plan were in operation. The still suspicious nations would have such protection as existing armaments give; they need have no fear that their rivals were outstripping them in an arms race; they would be assured that no decisive new weapon of offense or defense was being produced in quantity; and they would know that preparations for war by their rivals would almost certainly be detected by the inspectorate well before an attack could be launched. As this degree of assurance was achieved, the dread of sudden catastrophe that now overhangs the world would gradually fade away.

The initial arms census might, of course, reveal that one side had more of this or that weapon than the other side had suspected. Whatever these disparities, neither side could hope for an easy victory. The status quo would be preferable to reciprocal atomic attacks. Disclosure would document what daily is becoming clearer: we have achieved with the Soviets what amounts to an effective, working balance in armaments: the mutual power to devastate.

TOTAL WAR—MUTUAL SUICIDE

This is a broad statement. In support, I offer Air Marshal Sir John C. Slessor, one of the West's leading strategists of the postwar period. Air Marshal Slessor recently wrote:

The Second Air War—if it should come—would not remotely resemble the first

one. . . . The picture we have to envisage is a rapid succession in the first few weeks of cataclysmic disasters, compared to which the Hamburg "catastrophe" (as the Germans called it) would be child's play. . . . To admit that this terrible fate would not fall upon one side alone is merely to acknowledge that we have at last reached that stage, which men have thought before now that they were reaching, when total war would amount virtually to mutual suicide.¹

THE CONTROL AUTHORITY

If the powers wish to substitute an effective standstill control plan for the costly pursuit of arms supremacy, this would, of course, require the creation of an authority to administer the controls. This could be done either by an annex to the Charter, adopted as an amendment, or by a multilateral treaty. In neither case would change in the Charter's present terms be required. This annex or treaty could include a prohibition against the use of atomic and other specified weapons. The relationship between the control authority and the Security Council, the General Assembly, the International Court of Justice, and the Secretariat could be carefully worked out, and the rules of those bodies could be adjusted to accommodate the new agency.

Neither the annex nor the treaty method is novel. The Statute of the International Court of Justice is an annex to the Charter, and the specialized agencies in the economic field exemplify the use of the treaty device.²

¹ Slessor, "Has the H-Bomb Abolished Total War?" *Air Force*, Vol. 37, No. 5 (May 1954), pp. 23, 25; also published in *Boston Sunday Herald*, May 2, 1954, p. 1.

² The United States delegation to the United Nations Atomic Energy Commission submitted on July 12, 1946, a detailed memorandum outlining treaty provisions to implement the Baruch plan, then before the UN Commission. See UN Atomic Energy Commission,

Space is lacking to project a structure for a control authority thus created, but one central point should be made concerning it. Arms control is a matter of utmost gravity. The power of decision on big issues should be closely linked with responsibility. Basic policy problems of military significance should be resolved by the states having militarily significant forces, however helpful the views of other states may be and however indispensable their contribution to administration. An allocation of power that departs from customary U.N. patterns may be required.³ If this were hard to work out in an annex, resort to the treaty method would be indicated.

Pursuing the implications of this idea further, the authority's designers should recognize that arms control can exist only by virtue of the acquiescence of the great military powers, so long at least as the controllers are not as strong as the controlled, a proviso likely to persist for some time to come. Therefore, with acquiescence setting the actual limits of authority, issues of the veto and of sanctions should not be exaggerated. They should be resolved in such a way as to facilitate initial agreement.

Official Records, Spec. Suppl. (1946) Memo No. 3, p. 106, reproduced in U. S. Department of State, *International Control of Atomic Energy: Growth of a Policy* (1947), Appl. 16, p. 160. This treaty was to embody the charter for the projected Atomic Development Authority and define its relationship to the U.N. Neither the United States Delegation nor the Commission itself seems to have resolved the question whether the relinquishment of the veto, proposed by Mr. Baruch in atomic sanctions cases, should be by treaty or Charter amendment.

³ Compare the provisions for weighted voting in the Articles of Agreement of the International Bank for Reconstruction and Development and the International Monetary Fund.

Either the annex or the treaty method would allow the adherence of nonmember states, hopefully a vanishing category.

I hope this does not seem cavalier. It is the gravity of the problem that dictates this view. Let us look at a hypothetical case—and without recourse to Ruritania. Suppose an inspection team from the U.N. authority uncovered an undeclared atomic bomb cache in, say, Czechoslovakia. Suppose that the Czechs refused to give up the bombs, and, in the Security Council, Russia vetoed an order directing their surrender to the U.N. Immediately the question would arise whether, as a practical matter, the treaty still survived or whether, instead, we should have to resume building up our own atomic armaments and defenses.

If the veto had been renounced, the situation would be much the same. When the U.N. made its demand on the Czechs, they could thwart the control plan by refusing to comply. Suppose that in this they had the Soviet's express approval. It would be necessary to decide, just as in the veto case, whether the treaty's usefulness was ended.

FUNCTION OF THE INTERNATIONAL COURT

The fact that such a crisis might arise does not mean that legal procedures could not be set up to deal with it. Thus, either the annex or the treaty could include a provision that would apply if a party to the agreement failed to live up to its terms and, in so doing, created a substantial risk to the peace and security of other signatories. The latter should then be authorized to withdraw from the agreement. The power to determine whether such a breach had occurred, however, could be vested in the International Court. In case of need, the Court would have power to "indicate interim measures of protection" against the breach.⁴ It could

⁴ International Court of Justice, Statute of the Court, Chap. III, Art. 41, par. 1, Rules of

act on an emergency basis,⁵ and then proceed to a full judicial inquiry. The agreement could properly provide that resort to the Court would not preclude the complaining powers from proceeding at once to take such precautionary measures, short of war, as they thought wise. An orderly procedure need not limit their right to self-defense.

In the operation of a control plan, most of the serious issues jeopardizing effective control would doubtless be disposed of in the Security Council rather than in the Court. But there would be a host of lesser questions arising in the interpretation and application of the treaty, despite the fact that it should be as precise and specific a document as human skill and foresight would permit. Most of these questions would arise out of day-to-day operations and could be worked out between the authority's executive (which might well be staffed chiefly from the less military nations) and the state or states involved. But a board might be provided to hear appeals from the executive, and the authority could, of course, resort to the Court for advisory opinions.

INSPECTION FUNCTION OF CONTROL AUTHORITY

The inspection function of the control authority would impose a large but not overwhelming burden upon it. The same reasoning that makes it possible to say that our armaments are in effec-

tive balance even though no arms census has been taken would make small-scale breaches of the standstill relatively inconsequential. Major departures could be detected by a knowledgeable inspectorate with freedom to check military forces and supplies, key industrial installations, reactors, and power sites, and to conduct aerial surveys with reasonable frequency. Quantitative determinations could be made without entailing disclosure of secret devices and processes. Laboratory weapons research might be allowed—it could scarcely be prevented—but developmental work calling for pilot plants and test models could and should be controlled. The time span between drawing board and production line for the complex mechanisms of modern warfare should enable a technologically competent inspectorate to detect and abort new monsters in embryo.

The control authority might well have a division with a secretariat and technical staff directed to the study of problems in the reduction of existing armaments and charged with the formulation from time to time of reduction proposals.

ATOMIC DEVELOPMENT FOR PEACE

So far I have barely mentioned atomic development for peace. The Authority we proposed in 1946 was to have developmental responsibilities, a corollary of the monopoly of fissionables it was to have. Under a control plan that left nuclear weapons and stockpiles lawfully in the hands of their possessors, obviously these nations could undertake their own atomic development programs. However, the agreement creating the control authority could also provide for a development authority with functions similar to those outlined by President Eisenhower in his speech to the General Assembly on December 8, 1953.

Court, Art 61. The President may act alone if necessary; Art. 61, par. 3.

⁵ The Permanent Court of International Justice, pursuant to rules similar to those of the International Court, took interim action on one occasion two days after such action had been requested. *Pless Case*, P.C.I.J. Series C, No. 70, p. 429. In the recent *Anglo-Iranian Oil Company Case*, the International Court took interim action in two weeks. Order of July 5, 1951, L.C.J. Reports, 1951, p. 89.

This body could work closely with the control authority in dealing with the problem of the production of fissionables. Suppose a control plan were to go into effect tomorrow. Would our reactors be permitted to operate? I should think only those engaged in research and development ought to be free to do so. The needs of peacetime reactors in the near term could readily be supplied from military stockpiles. But in time this situation would end. Reactors producing fissionables should then be permitted to operate at a rate and frequency that would serve only to satisfy the needs of domestic power reactors and for such exports as the President's (or the Politburo's) plan may contemplate. No large new stockpile should be allowed anywhere under the guise of meeting civilian needs. Nuclear fuel in use in the power reactors would be less dangerous than stockpiles. Not only would its withdrawal disrupt those dependent on this source of power, but the fuel itself might require fairly protracted reprocessing to be ready for use in bombs. Therefore, whenever the development authority found that a nation's atomically powered electric industry required more fuel, it should have to certify that fact to the control authority, and the latter should authorize the operation of fuel-producing reactors long enough to meet the industry's needs. On motion of a state aggrieved by either ruling, the authority complained of should be required to submit the issue to the International Court for an advisory opinion and to be bound by the Court's ruling.⁶

CIVIL WARS

This sketch must pass over technical difficulties such as the determination of

arms replacement rates and the handling of unfinished ships and installations. But the really tough problem for this and any other arms control plan is what to do about civil war. Suppose that Iran blows up in a rebellion against the Shah's government, strife that the West believes is being fomented by the Soviets. The Loyalists claim the rebels are being armed by Russia and ask for Western planes, tanks, and artillery. At this point the inspectorate attains critical importance. It would have the responsibility of determining the facts as to the alleged flow of munitions across the Russo-Iranian frontier. If this was occurring, a protest would follow, and, if that were not heeded, the case would go to the Security Council or to the Court, or both. Even though Council action were vetoed, still, if the Court found a major violation, the complaining powers could hold the annex or treaty to be at an end and decide whether to back the Shah or let Iran be swallowed up in the now familiar fashion. The same problem and the same choice could be posed by the falling out of two neighbor states, if either or both had powerful backers.

Is there any reason to hope that, given an arms control plan, such incidents would stop? I think so, and for a simple reason, a reason that also leads me to believe that a standstill plan, if adopted, would not be sabotaged by the obstructionist tactics that for the Communists seem standard operating procedure. The reason is this: The great military powers would not adopt an arms control plan unless they wanted arms controlled. Entry into the plan would exact a heavy price: the disclosure of military secrets and the cessation of developing defense programs. If the powers thought that price worth paying, they would not throw away the benefits of control just to back a local struggle. (This does not mean, inci-

⁶ Compare the analogous provision (Art. VIII, Sec. 30) in the Convention on the Privileges and Immunities of the United Nations.

dently, that the plan would assure tranquillity for Iran and like countries. There are subtler ways of upsetting a regime than by shipping arms—and, note too, there are subtler ways to defend one.)

U.S.S.R. AND COMMUNIST CHINA

But is there any real chance that the Soviet government and its Chinese ally would regard the cessation of the arms race as a benefit worth buying? So far their interest in disarmament has seemed centered on exacting a pledge against atomic weapons with the evident purpose of embarrassing the United States. They may believe that they can carry the armaments load better than we and our allies. They may look to the arms burden as a growing source of friction in the Western camp and as a block to economic and social progress among all nations not under their domination. But against this view are other considerations, among them those "political" settlements that are necessary incidents of arms control.

Despite the defeat of the European Defense Community, Russia must reckon with German rearmament as a probable next step. A powerful Germany separated from Russia only by a cordon of untrustworthy satellites is a prospect that Russia seems to fear. China may also view a rearming Japan with disquiet. A standstill would block the

rearming of both Germany and Japan. Moreover, both Russia and China have economies that have been retarded by the drying up of East-West and the China trade, not to mention the exactions of military expansion. The barriers to trade would fall as the barrier to arms increases was erected. And since no arms control plan operating through U.N. machinery would be effective if China did not take part, the curbing of Chinese military expansion would entail acceptance of Red China's U.N. claims (though not to Formosa).

These are potent affirmative attractions. Moreover, acceptance of the plan would call for no major internal reorganization in Russia; no loss of the power to say *Nyet* in the U.N.; no subservience to a Western majority in the development of Russia's atomic resources. Can we really be sure the Soviets would reject such an opportunity? Or that the Chinese would refuse to go along?

THE UNITED STATES

The foregoing says nothing of the reasons why the United States might wish to enter such a plan. These can be entrusted to the thoughtful reader. Among them he may stress the hope that, if the world can control the instruments of its own destruction, perhaps in time it will have the good sense to abolish them.

David F. Cavers, LL.B., Cambridge, Massachusetts, is Fessenden professor of law and associate dean of the Harvard Law School. During World War II he served as associate general counsel for price in the Office of Price Administration. He is an associate of the Special Committee on Atomic Energy of the Association of the Bar of the City of New York. He was formerly editor of Law and Contemporary Problems (1933-45) and is author of a number of articles on the international control of atomic energy, chiefly in the Bulletin of the Atomic Scientists.

COMMENTS

GRENVILLE CLARK

With the "improvement" of the A- and H-bombs, our civilization faces so unprecedented a problem that one must welcome any serious suggestion toward a solution, especially a proposal from so careful a thinker as Professor Cavers. And yet I am obliged to consider his proposal unsatisfactory because, on analysis, it is inadequate to meet the situation.

Be it noted that in so far as any binding obligation is concerned, Professor Cavers' proposal is confined solely to a "standstill" in the arms race. For, although he hopes that a standstill will lead to something more, he proposes no binding obligation whatever for any reduction in national armaments, not to speak of their abolition.

It seems clear that the proposal does not sufficiently take into account the immense destructive power of the new bombs which already exists or soon will. Professor Cavers recognizes the necessity of establishing an effective inspection system as an essential part of the standstill agreement. No one would predict that the very complicated agreement that would have to be negotiated for the setting up of such an inspection system could be achieved within less than two or three years. During that period it seems inevitable that the nations, and especially the two superpowers, would accelerate their production of bombs, so as to start the standstill at the highest possible levels.

These increases, when added to the present stocks, would produce an accumulated power of destruction almost beyond belief.

It has been reliably calculated that by the end of 1957 the United States will possess fissionable material suitable

for A-bombs equivalent in explosive power to 430 *million* tons of T.N.T. Since the Hiroshima bomb had an explosive power of about 20 *thousand* tons of T.N.T., this prospective stockpile would be the equivalent of 21,000 Hiroshima bombs; and it would be about 320 times the explosive power dropped on Germany in World War II, officially reported as the equivalent of 1,340,000 tons of T.N.T. In addition there would be H-bombs of a number and power that is anybody's guess, but which by 1957 might well double our total bombing potential. It is staggering to note that a potential equal to 800 million tons of T.N.T. would be nearly 600 times the explosive power dropped on Germany in World War II.

Obviously, if even a small fraction of such an arsenal could be dropped, the United States would be able to devastate not only Russia and China but all the larger cities of the entire world. By the same token, if Russia possessed bombs with only one-tenth of this power, she could at the least devastate Britain and Western Europe to an unimaginable extent.

In the light of this situation, it is hard to see how a mere standstill agreement, whereby the nations while not increasing might nevertheless keep intact their vast destructive power, could appreciably lessen the mutual tensions and fears that now bedevil the world.

What is required is something far more radical and far more adequate, namely, complete disarmament. By this I mean the total *abolition* of all national military forces and armaments of any description right down to the level of lightly armed and strictly limited forces for internal order only. I say

complete disarmament because in the H-bomb era nothing less will suffice, and because both common sense and the record of history show that all efforts at mere reduction will bog down in disputes over "quotas" and "needs" of the various powers.

It may be argued that a standstill, even though no solution, would represent some progress and would at least be easier of achievement than complete national disarmament. But this I venture to doubt. If a man finally comes to realize that he is very ill, it is often no more difficult to persuade him to accept a major operation that can cure him than to obtain his acceptance for a severe but inadequate treatment that can probably do no more than keep him from getting worse. I suggest that this

analogy may apply to the present world situation. For I do not really believe that the peoples are so lacking in intelligence and will as to tolerate the present arms race without a vigorous effort to rid themselves, through complete disarmament, of the intolerable threat of modern war.

Grenville Clark, LL B, Dublin, New Hampshire, lawyer, has been a vice-president of the United World Federalists since its founding in 1947. He was chairman of the National Emergency Committee for Selective Service (1940-41) and of the Citizens Committee for National War Service (1944-45). He is the author of A Plan for Peace (1950) and coauthor with Louis B. Sohn of Peace Through Disarmament and Charter Revision: Detailed Proposals for Revision of the United Nations Charter (1953).

BENJAMIN V. COHEN

Time and space limits do not permit a balanced appraisal of Professor Cavers' article; I can make only a few observations which I hope will be helpful.

1. In connection with the general problem of Charter revision, Professor Cavers' conclusion, with which I wholly agree, that no change in the present terms of the Charter of the United Nations is required to permit the adoption of an effective plan for the international control of armaments, is most significant.

It is one of the basic principles laid down in the existing Charter that neither force nor the threat of force shall be used by Member States in their international relations in any manner inconsistent with the purposes of the Charter. The Charter has not been rendered obsolete by the discovery of atomic weapons. Effective disarmaments arrangements are not excluded by the Charter, but are necessary to carry out its stated objectives.

We have failed to implement the

Charter with respect to the control of arms, but that is not the fault of the Charter. No mere formula of words which could possibly be added to the Charter by way of amendment would ensure the development and observance of an effective plan for the international control of armaments. If there should be a general conference for Charter revision, the Soviet Union would probably call for an amendment embodying its brief and magic formula forbidding the use of all atomic weapons. But neither that or any other paper formula would be of any practical value or effect until the principal military powers agreed upon a concrete and workable plan for the international control of armaments.

As Professor Cavers has pointed out, within the framework of the present Charter, treaty arrangements may be made for the effective international control of armaments if the principal states concerned can agree on the terms of

such arrangements. Such arrangements could impose additional powers on existing organs of the United Nations or on newly created organs, and could provide special voting procedures for determining violations or settling disputes arising thereunder.

Much should and must be done to stop the nations racing with more and deadlier arms to their common destruction. But we should not let ourselves be diverted from the difficult task of working out and securing acceptance of concrete plans for the effective international control of armaments by indulging in false hopes and expectations as to what may be accomplished by Charter revision.

STANDSTILL ARRANGEMENT

2. Professor Cavers performs a distinct service in calling for consideration of the possibility and feasibility of a standstill arrangement, a minimum control plan which would stop the present arms race and keep it stopped. Since some sort of a standstill is likely to be the first stage or a part of the first stage of any armaments control plan, political leaders should be in a position to appraise the possible effects of such an arrangement. Indeed the British and French representatives at the recent meetings of the subcommittee of the Disarmament Commission suggested that a standstill or freeze should be a part of the first stage of the disarmament program.

Professor Cavers believes that there is good chance of agreement on a standstill because it would preserve rather than disturb the existing working balance in armaments between the United States and the Soviet Union, particularly in the reciprocal power to devastate. There may be some merit in Professor Cavers' desire to achieve in the first instance a simple standstill,

without trying to secure anything in the way of a balanced readjustment or reduction in armaments, but I should think it would be wise to guard against any rigid or inflexible position in this regard. Professor Cavers may have more faith in the nature of the unverified working balance in armaments which has come about through the armaments race than those who would have to accept responsibility for the standstill. Some over-all ceilings or limitations on the numbers of persons to be permitted in the armed forces and on the kinds of armaments to be allowed might help to increase the confidence of all concerned in the nature and workability of the balance in armaments to be obtained by the standstill.

A standstill arrangement has considerable attractiveness as an entering wedge to balanced disarmament, but I cannot share Professor Cavers' apparent hope that a general standstill by itself, without reasonable expectation or assurance of further advances in the way of more definite agreement on the quantity and kind of permitted armaments, could last very long. The problems of inspection, verification, and enforcement under a general standstill would in time become, I fear, even more difficult than under a more definite arms control agreement. After a while the difficulties of distinguishing between replacements and betterments or additions might become virtually insoluble.

FLEXIBILITY NEEDED

Certainly Professor Cavers' plan is excessively rigid if he contemplates, as he apparently does, that the standstill should be inflexibly applied to all nations. He states without qualification, for example, that it would block the rearming of Germany and Japan. Of course the object of a standstill would

be defeated if the Soviet Union and the United States were free without restraint to add to the arms of their allies. But a workable standstill arrangement must be flexible enough to avoid creating or maintaining a really dangerous disequilibrium of power in any important strategic area. Professor Cavers' standstill if inflexibly applied across the earth would neither afford nor permit any adequate defensive counterpoise to the power of Red China in Asia. The present power situation in Asia is not particularly conducive to peace and stability. Perhaps that situation cannot be remedied over a short period. But a standstill agreement which would render such a situation irremediable for the indefinite future might be a doubtful

contribution to the peace of the area or of the world.

A standstill arrangement as an approach to balanced disarmament is a constructive suggestion which merits thoughtful exploration. But in our quest for a simple start to stop the armaments race we must be careful to guard against any serious imbalance of power which may endanger the peace.

Benjamin V. Cohen, LL.D., J.D., S.J.D., was counselor of the Department of State from 1945 to 1947 and a member of the United States delegation to various international conferences during this period, member of the United States Delegation to the United Nations General Assembly (1948-52), and U. S. representative on the U.N. Disarmament Commission (1952)

W. STERLING COLE

Dr. Cavers frankly states that he "turns to arms control" in part as a means of reducing international tensions and cutting down risks of atomic war, because he is "pessimistic about political settlements." As a member of the school of practical politics, and a more than casual observer of foreign affairs, I am more inclined to look to the political arrangements which Dr. Cavers rejects to obtain the desired ends. Although I confess I partially share Dr. Cavers' pessimism about political settlements, I am far more doubtful of the effectiveness of any arms control that we might negotiate in the foreseeable future.

In theory, the plan Dr. Cavers proposes seems desirable—but so did the Baruch plan for international control of atomic energy. It looked mighty good on paper. Yet, despite the fact that more than fifty members of the United Nations endorsed it, and leading statesmen described it as the most magnificent and generous offer in history, it foundered on the rocks of Soviet op-

position. The various proposals of the defunct League of Nations for limitation and reduction of armaments and for collective security, and the Locarno and Kellogg-Briand peace pacts were hailed as panaceas for international ills, yet Mussolini in Ethiopia, Tojo in Manchuria, Hitler in Austria, Czechoslovakia, and Poland, and Stalin in Finland proved how little weight such treaties really carried when the chips were down.

POLITICAL SETTLEMENTS

I am ready to concede that the "political settlements" which I would advocate in preference to "arms control," and by which our present foreign policy is regulated, can be transitory and an illusion. They are of value only so long as they are mutually or multilaterally acceptable. Admittedly, they are negotiated with escape clauses and loopholes and even with crossed fingers. When ratified they are devoid of teeth. But a "political arrangement" (for ex-

ample, a pledge to renounce war as an instrument of national policy) does not leave us with our defenses impaired, as would a sanctionless armaments control; nor are we left in an inferior position militarily unless, as we have all too often done in the past, we stupidly disarm ourselves. Treaties, like any unsecured contract, are scraps of paper to those who wish to break them, and there are rarely any peaceful means of specific enforcement.

Democracies such as Britain, France, and the United States, and small neutrals like Belgium, Norway, Holland, and Denmark, who in the past counted on treaties alone for protection, were caught short when the dictators acted. But it must be considered that they were not bound by treaties to let their defenses crumble or their offensive strength grow blunt.

It would be far more indefensible in today's world voluntarily to lay oneself open to aggression, or even to invite it by espousing an armaments control which at best would be unilateral. The day of dictators is not past—we have powerful ones with us still. Is it permissible to assume that history will not repeat itself if given a chance?

ARMS CONTROL AND COMMUNISM

If Dr. Cavers could guarantee that all governments concerned with armaments—the U.S.S.R., the United States, Britain, Germany, France, Japan, and China—would see eye to eye, be practicing democracies, and have the same concepts of political morality, then a plan for control or even limitation and reduction of existing armaments would conceivably be possible. But the irreducible objectives of Communism (and the openly avowed means of securing them) and the objectives of democratic states are as far removed as the poles. We have police states against free peo-

ples; Iron Curtains against Open Doors; the concept of government as the master rather than servant and of citizens as slaves rather than sovereign; and we have the Kremlin, despite Moscow's mouthings on "peace," "democracy," and coexistence, sworn to destroy capitalism by any means whatsoever, preferably foul rather than fair. It is not coexistence that is all-important; it is cosurvival.

Dr. Cavers' plan envisages, first, a simple standstill agreement; then a control agency which would (1) police the standstill, (2) take an arms census, (3) conduct effective inspection on the spot by checking military forces and matériel de guerre, key industrial and atomic installations, and laboratory weapons research, (4) make aerial surveys, and so forth. In short, it is a reworking of the stillborn Baruch plan to which the Soviets gave a thundering *Nyet*.

To assume that the Soviets would accept any such plan, or surrender one iota of their national sovereignty, or agree to revision of the United Nations Charter, is naïveté. To expect the Kremlin to consider as sacred any treaty whatsoever, if it were to their advantage to break it, is to be deliberately blind to precedents; *vide* the Russo-Finnish War, Russia's expulsion from the League of Nations, the fate of the Baltic republics and the Balkan states, Korea, and postwar Germany.

Arms control with the U.S.S.R. is an illusion; with other countries it is unnecessary. Since it is impossible for the Soviets to meet even our minimal security demands for limiting our own defenses and at the same time maintain their police state—the sine qua non of Communist dictatorship—to pursue the matter further would be to lull our people inexcusably into a false sense of security. That we must not do.

In my view, we will be wise to resign ourselves to political realities and to

become accustomed to the world's perils, rather than to invite the aggression and possible national destruction which would come with unilateral armaments control.

W. Sterling Cole, LL.B., LL.D., Washington, D. C., is Representative from New York in the United States Congress, has been a member of the Joint Committee on Atomic Energy since 1947, and was elected its chairman in April 1953.

PERCY C. SPENDER

Little discernible progress has been made this year towards achieving any degree of disarmament in a world equipped with weapons of unprecedented destructive power. But unlike 1953, when the United Nations Disarmament Commission met only once just before the eighth session of the General Assembly so that it could report it had nothing to report, there have been attempts this year to come to grips with the disarmament problem which lies uneasily on the conscience of mankind.

There have been public and private exchanges in New York, London, Washington, Berlin, and Geneva. We all know they ended seemingly in deadlock, and Secretary of State Dulles has commented wryly to the press that because of a fundamental difference in approach, private talks with the Russians seem to produce no more agreement than do public exchanges.

How next, then, to tackle this problem of disarmament? There is, I am afraid, no ingenious elusive key which once found will unlock the door. Viewed from Olympian heights, it would seem that only time will provide an answer, that armaments will be reduced or abandoned only when rendered redundant through long years of peace which terror, perhaps, rather than statesmen, may ensure. When I speak of terror I mean, of course, fear of the terrible consequences of global war—a fear which may give us a protracted global peace, albeit an uneasy one.

The key to this disarmament problem does not lie in protocols, pacts, or inter-

national conventions, important though these may in themselves be. It passes beyond such machineries to the metaphysical—to the minds of men. There can be no disarmament while sullen distrusts smolder and anxious tensions remain.

Let us examine the stalemated position on the control of atomic and hydrogen weapons. The non-Communist world adheres to its position that such weapons should be outlawed, but only *after* arrangements for international inspection and policing have been made. The Russian position demands an *immediate* and unconditional ban of the atomic and hydrogen bombs, with a system of international control *thereafter* to be worked out by the Security Council—where of course the Soviet has a veto.

Naturally, the West cannot agree to such a proposition. But what is the working of the Russian mind? Is it possible that it too suspects a trick; that it fears that any international disarmament body—on which the Communists would be outnumbered just as they are in the U.N.—would be used against them? What is the real reason why the Soviet will not agree to an effective banning of atomic weapons? Reduced to conventional weapons for defense, one might argue, the Soviet Union would be far less vulnerable than it is today. But as it is, our positions remain poles apart.

Everyone who prays for peace is praying that somehow means will be found to enable the Communist and

democratic systems to exist peacefully together. History has shown how societies or creeds hostile to each other have nonetheless learned to live side by side. Under the overhanging threat of atomic war and in the face of stiffened Western resistance, Communist pressure—in a global sense—has eased a little, I think it fair to say.

Along the periphery where Communist and anti-Communist forces come into contact with each other are situations sure to generate tensions. If we can keep these dangerous tensions under control without sacrificing any of our principles, we may develop a long uneasy peace with lessening strain, less reliance on costly arms, and increasing amenability towards international co-operation.

EXPLORING EVERY POSSIBILITY

This will be a long process, and meanwhile we must keep striving for disarmament, whatever the disappointments or frustrations. By all means let us press forward with President Eisenhower's suggestion for an international agency to further the peaceful application of atomic power, with or without Soviet Russia; by all means let us examine amendments to the Charter of the United Nations and consider whether the control of the use of weapons of mass destruction requires more specific treatment in the Charter itself; by all means let us amend the U.N. Charter to set up a control authority, if it is feasible and would help. And let us have continuing talks on the problem in public and in private, particularly among the big powers. Some day, something will have to give somewhere; a suspicion may abate; a tension be re-

moved. If we remain in touch with the Communists, exploring every possible formula and establishing our good intent by the manner in which we conduct ourselves, some day we may find a shifting of their position which will enable us safely to modify our own and to achieve real progress towards disarmament.

The Disarmament Commission has met in New York on at least two occasions this year and its special subcommittee conferred in London between May 19 and June 22; although no progress was discernible, it could not have been less than in 1953 when there were no meetings at all.

Following President Eisenhower's atomic proposals to the United Nations Assembly last December, Secretary of State Dulles this year conferred with Soviet Ambassador Zarubin in Washington and with the Soviet Foreign Minister Mr. Molotov in Berlin and Geneva. Again no visible progress was made, but who knows? These cumulative endeavors may have allayed suspicion enough to make possible at least one step along the road we must travel.

The achievement of disarmament, as I said before, is a matter of men's minds and political philosophies rather than of formula or procedure. But to bring about the fusing of the former we must persevere with the latter, in the full knowledge that until we succeed, mankind can never rest secure.

Sir Percy C. Spender, K.B.E., Q.C., LL.B., Washington, D. C., Ambassador of Australia to the United States since 1951, was Vice-President of the United Nations General Assembly (1950-51) and chairman of the Australian Delegation (1950, 1952-54).

Strengthening the Secretariat

ANALYSIS AND PROPOSITION BY WALDO CHAMBERLIN

COMMENTS BY W. FRIEDMANN, AWNI KHALIDY, JACOB ROBINSON, AND
WALLACE S. SAYRE

THE Secretariat of the United Nations is large, and its approximately seven thousand employees are scattered all over the world, about half of them working elsewhere than at the headquarters in New York. It should be noted that there is no fundamental difference between the Secretary-General and the Secretariat, because the final and complete responsibility for the latter rests with the former. "His choice of staff, more particularly of the higher staff—and his leadership, will largely determine the character and the efficiency of the Secretariat as a whole."¹ The Charter gives this group of people two broad functions: those that are political and are implied under Article 99 of the Charter, and those that are more specifically stipulated as administrative in Article 97. The gap between political and administrative is partially bridged by the Secretary-General's role in the General Assembly and the Councils, specified in general terms in Article 98. The rules of procedure of the organs have reinforced this interrelationship by extending to political fields the Secretary-General's right of participation in the General Assembly, the Economic and Social Council, the Trusteeship Council, and their subsidiaries. If the Secretariat is to be strengthened, the problem arises as to which of the two roles, or what combination of them, is to be emphasized.

The first Secretary-General had be-

fore him the precedents of two very different but successful international officials, Albert Thomas of the International Labor Organization and Sir Eric Drummond of the League of Nations. Thomas' concept of the role of the head of an international secretariat was one of dynamic leadership, extending to presentation of proposals and vigorous argument and negotiation in support of them in constituent bodies. He also took an active part in directing the administration of his secretariat. Drummond, on the other hand, exerted a great influence on the substantive work of the League of Nations by working in the background and eschewing public participation in the policy-making process. He, too, saw his administrative role as an important part of his over-all task. Mr. Trygve Lie apparently believed that his time and energy should be devoted to political negotiations in the interests of world peace, and that the administrative aspects of his role should be delegated to assistants. He did give strong support to the substantive work of his senior officers, particularly in the economic, social, and dependent-area fields; it would be unfortunate if that feature of his leadership were not retained. In each of the three examples, the question was one of emphasis. Where Drummond and Thomas believed that the success of their tasks required a balance between the political role, which each carried out in a different manner, and the administrative function, in which both took an active part, Mr. Lie emphasized the political role

¹ *Report of the Preparatory Commission of the United Nations* (London, Doc. PC/20; 23 December 1945), p. 86.

and delegated his administrative functions.

The second Secretary-General of the United Nations, Mr. Hammarskjöld, appears to be moving toward Drummond's concept of the post. He has taken a much greater part in the administration of the Secretariat than did Mr. Lie and seems aware that in the present political situation in the world an individual, even the Secretary-General of the United Nations, can exert little influence on the international tensions that exist.

A major reorganization is now in progress in the Secretariat, little of which has been formalized but parts of which have been put into practice. This makes it difficult to state what the situation is at the moment, or what the future Secretariat will be.

BALANCE OF CENTRALIZATION AND DECENTRALIZATION

An important change which would strengthen the Secretariat would be to secure a better balance between the desirable aspects of both centralization and decentralization. The problem is not unlike that of a large university which tries to retain the benefits of having strong departments without losing the advantages of a co-ordinated university educational program. Within the Secretariat a number of methods might assist in achieving such a balance, one of which could be to have more units responsible directly to the Secretary-General. This would make it possible to break up some of the catch-all Departments such as Security Council Affairs, Public Information, Conferences and General Services, and Administrative and Financial Services. In turn, this would permit bringing together units with more nearly identical interests and duties, with possible (or probable) elimination of some duplication of efforts and services. Units devoted primarily to field activities, re-

search, writing, area study, relations with specialized agencies and nongovernmental organizations, distribution and sale of documents, and legal work appear to be particularly appropriate for combination and reallocation. There are many indications that the reorganization is moving along these lines.

More units reporting directly to the Secretary-General will require the elimination of a considerable number of high posts, as has been suggested by members of the Fifth Committee of the General Assembly. This may also tend to reduce the undesirable gap between the Secretary-General and a considerable number of his senior officers. This policy has clearly been that of the second Secretary-General, even before the reorganization started.

Effective centralization will require an expansion of the immediate office of the Secretary-General, which many observers have considered too small for the nature of the tasks that center therein. The probable creation of two deputies to assist in developing the political role of the Secretary-General appears to be a salutary step. However, if overcentralization is to be avoided there will also have to be a clearer delegation of authority than existed in the past. In considering the size of the Secretary-General's immediate staff and the functions which should be delegated elsewhere, consideration might well be given to the creation of an intelligence service which could provide him with the type of information needed to exercise the immense responsibility conferred by Article 99. Such a service, to be effective, would have to be very close to the Secretary-General on a personal basis. Mr. Lie was fortunate in having a United Nations commission on the ground in Korea on June 25, 1950, but it is conceivable that had he been permitted to have an adequate intelligence service of his own, it might

have been able to warn him of the impending aggression in time for him to have prevented the attack by calling to the attention of the Security Council the preparations that were being made for the attack.

The very extensive operations of the Secretariat away from headquarters suggest the possibility of adapting to all field operations the system of Regional Technical Assistance Representatives (RTAR's) used by the Technical Assistance Board. Perhaps the concept of regional offices could eventually be expanded to include field personnel of the specialized agencies—a step that might lead to the realization of an international civil service such as was proposed by the Preparatory Commission in 1945. Adaptation of the RTAR concept might provide part of the better balance between centralization and decentralization of field activities which are presently decentralized.

STAFF MORALE

No other steps, perhaps, would do more to improve the quality and effectiveness of the Secretariat than to improve the morale of the staff. It would be difficult to improve upon the devotion of most of the personnel to the cause of the United Nations, but there has been a growing dissatisfaction with the lack of diversification of work. The rather rigid compartmentalization that has existed has made it difficult for members of the staff to know about or understand what transpires elsewhere, even in their own units or department. "Jobs" have been broken down into

their component parts, as in large factories, and the various parts assigned to personnel of increasingly lower grades. This has led to boredom and dissatisfaction, running from low to high. It should be possible to redefine many posts so as to make them more interesting and stimulating for capable people, while at the same time providing greater opportunity for rotation between units and between headquarters and field services.

Much has been done to clarify and settle the tenure problem since the advent of the Walters Committee in 1952 and the Kerno and Mudaliar Committees in 1953 and 1954, but the very breadth and scope of the reorganization now under way has caused considerable uncertainty in the minds of many members of the Secretariat. Some of this insecurity is unavoidable in a Secretariat that lacked effective leadership for seven years. A closely related but different problem, to which there is no clear answer, is that of geographical distribution, a problem which is very often present in any personnel issue. In an international organization, perhaps even more than in a national government, there will probably always be a certain number of employees appointed for political reasons, some of whom will be highly competent and some of whom will not. If the latter were taken out of the administrative or operational stream and used as advisers or consultants, or simply not used at all, the permanent career service would be freed for greater development and effectiveness.

Waldo Chamberlin, Ph.D., New York City, has been professor of government at New York University since 1949, and is now director with the university's Program of Studies in United Nations. He was chief documents officer of the San Francisco Conference and of the United Nations Preparatory Commission (1945-46), deputy director of the Documents and Sales Division of the United Nations (1947), and director of Documents Control Staff (1948).

COMMENTS

W. FRIEDMANN

I am not qualified to comment on Dr. Chamberlin's technical suggestions regarding the reorganization of the Secretariat of the United Nations. With regard to the improvement of the morale of the Secretariat, however, to which Dr. Chamberlin refers, there is much evidence that the greatest threat has resulted from recent loyalty investigations and the very serious doubts as to the extent to which the Member States of the United Nations will be permitted to superimpose their "loyalty" standards on those of the United Nations. The legal position should be clear enough. Article 100 of the United Nations Charter provides that "in the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any authority external to the Organization," and that "each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities." That the United States now requires clearance by the Federal Bureau of Investigation of all United States citizens before they apply for a United Nations post may still be regarded, although with some difficulty, as a legitimate application of internal policies. Far more serious is the acceptance by the previous Secretary-General of the so-called "jurist's report," a hastily compiled and poorly reasoned document, which came to the conclusion that not only United Nations employees (of United States nationality) convicted of a criminal offense involving national disloyalty but also those who in the course of *any authorized national investigation exer-*

cise their constitutional privilege against self-incrimination should be absolutely barred from further employment by the United Nations. In the pursuit of this policy Mr. Trygve Lie dismissed a number of United Nations employees of American nationality, many of whom were later reinstated by the United Nations Administrative Tribunal. The United States delegate to the United Nations then declared that his country would seek to have this award nullified by a United Nations resolution. It is arguable (although very doubtful) that a United Nations resolution could effectively annul such awards, on the theory that a United Nations resolution established the Tribunal. But there can be no doubt that if it became a practice for lawmaking bodies to annul the judgments of courts which they dislike on the ground of legislative sovereignty, judicial independence would become a farce. Certainly such a precedent would gravely jeopardize the value of the United Nations Administrative Tribunal.

AMENDMENT OF STAFF RULES

The present Secretary-General has sought and obtained an amendment of the staff rules which enables him to terminate the appointments of permanent staff members who *inter alia* do not meet the highest standards of integrity required by Article 101, paragraph 3, of the Charter:

(i) If the conduct of the staff member indicates that the staff member does not meet the high standards of integrity required by Article 101, paragraph 3, of the Charter;

(ii) If he learns of facts, anterior to the appointment of the staff member and relevant to his administrative suitability,

which, if they had been known when the staff member was appointed, should, under the standards established in the Charter, have precluded his appointment; or

(iii) If such action would be in the interest of the good administration of the Organization and in accordance with the standards of the Charter.

Although in the first two cases termination will not take place until after consideration by a special advisory board and is subject to appeal to a staff board and ultimately to the Administrative Tribunal, the Secretary-General in his report of November 1953 has expressed his view that the Tribunal should not review the exercise of his discretion but broadly speaking only the abuse of powers or illegal procedure. In other words, in the hands of a strong Secretary-General the present staff regulations will be good protection; in the hands of a weak one they will not. The situation still remains uncertain as to the extent to which the Secretary-General should be compelled to accept the standards of "loyalty" or "subversion" used by any one Member State. While this has

recently been primarily an American problem, it can, of course, arise in regard to any other member. The spirit as well as the letter of Article 100 should be clearly confirmed, perhaps by express reference to the "general principles of law recognized by civilized nations" (Art. 38, Statute of the International Court of Justice) as the standard applicable to United Nations employees accused of conduct incompatible with their duties. It would be equally beneficial for the morale of the staff if Member States undertook to stand by the awards of the United Nations Administrative Tribunal and channeled their dissatisfaction into attempts to revise the law for the future.

W. Friedmann, LL.D., Dr. Jur., LL.M., professor of law at the University of Toronto, was visiting professor at the New York University School of Law (summer 1954) and expert consultant to the United Nations Seminar on Public Industrial Enterprise in Rangoon (1954). He is the author of Legal Theory (3d. ed., 1953) and Law and Social Changes in Contemporary Britain (1951).

AWNI KHALIDY

The first duty of a good Secretary-General of the United Nations is to put his house in order. Unless that machinery is organized on efficient lines its chief will be unable to make use of it to discharge his duties under the Charter. To ignore this premise would defeat the very purpose of the machinery and would result in unfortunate circumstances such as the sensation about the existence of subversive elements in the Secretariat in 1952.

The Secretary-General has two capacities under the Charter, political and administrative. Dr. Chamberlin puts the problem clearly when he says, "If the Secretariat is to be strengthened, the problem arises as to which of the

two roles, or what combination of them, is to be emphasized." If a choice between the two roles *has* to be made it is healthier to opt for the administrative role. But a balance could be struck between the two roles, delicate though it may be. It is right that the Secretary-General should have a political responsibility to suggest and guide. But care should be taken lest this develop into interference or intrigue; nor should it take the color of mobilizing forces against one or more members of the United Nations. Dr. Chamberlin correctly estimates that Sir Eric Drummond's method was both administrative and political, the latter taking the form of exerting influence in the background.

This seems to me to be the ideal balance between the two roles and the best in ensuring efficiency and dignity, without dragging the Secretary-General into open controversy.

What kind of Secretariat should the United Nations have, and how big? The present Secretariat is too big, and it is an open secret that many of its posts are duplicatory. In a number of other positions there is very little to do. An unduly large organization becomes unwieldy and inefficient.

If the present Secretariat is to be curtailed of what type should it be? It can be either a vast pool satisfying geographical distribution or an expert international civil service. The first type is, for many reasons, undesirable; it is the one which mainly prevailed in the first seven years of the United Nations. Perhaps the best method of curtailing the Secretariat is to organize it as a compact international civil service aimed primarily at efficiency and impartiality. If this method is to be adopted the Secretariat should have two types of posts, one the expert type comprising the heads of departments and sections, the other the clerical type providing the necessary help. Accordingly, a number of posts, such as heads of departments, should be connected directly with the Secretary-General. This would enable him to be in constant touch with his main advisers, and therefore aware of the currents in the Secretariat. It would also contribute to smoother and speedier work, to say nothing of the elimination of duplication in posts. This appears to be the policy of the present Secretary-General.

U.N. INTELLIGENCE SERVICE

On one issue I would disagree with Dr. Chamberlin. To organize an intelligence service of the Secretariat is indeed undesirable. Morally it is against the spirit of the Charter, which advo-

cates open diplomacy. If that diplomacy has failed it should be reviewed. Then, it is doubtful whether the Secretary-General, to fulfill his responsibility under the Charter, really needs an intelligence service of his own. A United Nations Intelligence Service would never be as strong as the services of individual countries; it would certainly cost a tremendous amount of money, for which it would be difficult to account to the Fifth Committee with the gallery listening in. Moreover, such a service would inevitably clash with the services of Member States in the field, with the probable result that they would end up by spying on each other. But perhaps the most potent argument against this idea is that a U.N. Intelligence Service would become in the hands of an unscrupulous Secretary-General a destructive weapon used for dangerous purposes, in which the losers would be the vast majority of the small countries in the United Nations.

ABILITY AND IMPARTIALITY

If the Secretariat is to be a compact and efficient organism it must be selected primarily on two bases, ability and impartiality, with reasonable regard to geographical distribution. In the first seven years of the United Nations impartiality was a mere expression, with the result that some Secretariat members meddled in private politics and some even abused their responsibilities. Under the new Secretary-General the United Nations has the right to expect strict impartiality as well as real ability among his staff. If those two attributes are aimed at, in a Secretariat organized on an expert-clerical basis, the problem of geographical distribution as it now exists will have lost its force. More stability in the Organization would contribute to its efficiency.

A word about United Nations person-

nel abroad. The specialized agencies are very large in themselves. More emphasis should be put on field work, reporting to a small but efficient headquarters, in line with the type of Secretariat outlined above.

Awni Khaldy, New York City, is the Permanent Representative of Iraq to the

United Nations. He has been associated with the Organization since its beginning in various capacities, and has been in the Iraqi diplomatic service since 1934, mainly in Europe, having served with the Iraqi delegation to the League of Nations in 1936-37. In 1953 he was chairman of the Administrative and Budgetary Committee of the General Assembly.

JACOB ROBINSON

Professor Chamberlin, writing of methods for strengthening the Secretariat, mentions also *en passant* its research activities. This aspect of the work of the Secretariat calls for some comments.

It is not generally realized that the Secretariat of the United Nations is the greatest institute of social research in the world. A glance at the six catalogues of economic and social projects containing lists of 1,663 projects of the United Nations Secretariat (together with 1,910 additional projects of the specialized agencies) reveals a scope and extent of research work unparalleled in this field.¹ The subject matters range over a wide area of economic and social problems, including economic stability and development, statistical questions, transport and communications, fiscal questions, regional economic activities (Europe, Asia, and the Far East, Latin America), human rights, narcotics, population, social welfare, cartographic questions, technical assistance, economic and social conditions in trust and non-self-governing territories, and codification of international law.

The characteristic features of United Nations research projects are supposed to be their anonymity, collective re-

sponsibility (co-operation of various experts), their practical (not academic) orientation, their spirit (the paramountcy of the interest of the international community), and their objectivity.

DEFECTS IN U.N. RESEARCH ORGANIZATION

What are the defects of the present organization of research in the United Nations? In the first place, not all the projects are within legitimate limits of the activities of the Secretariat. The Secretariat should limit itself to research projects of comprehensive, not to say universal nature, where access to information from a great number of states is required and where the mentality of the international civil servant is the one best suited for such a research project.

Secondly, not all the projects undertaken on orders by the United Nations or engaged in *motu proprio* by the Secretariat are absolutely necessary. In numerous cases reference to existing literature would suffice.

Thirdly, the methods used in the various publications of the United Nations are far from being uniform and of the same scientific standard.

Fourthly, students of social problems (in the widest sense of the word) cannot but be distressed by the lack of common knowledge about this field of activities of the Secretariat and in par-

¹ It is regrettable that the Secretary-General intends to discontinue this important reference publication, see United Nations Document E/2398 of 13 May 1954, par. 27. The same document indicates a tendency to reduce the research activities of the Secretariat

ticular by the lack of appreciation of it in the special literature on the subject matter concerned. Even printed publications of the United Nations are given much less attention in the reviews of scientific journals than is given to individual publications with or without the imprint of a university press.

Finally, the organs of the United Nations rely mostly, if not exclusively, on projects prepared by the Secretariat, discounting research done elsewhere. A welcome addition to such Secretariat projects could be abstracts of the existing literature on any particular problem for the benefit of the interested United Nations group.

In order to put an end to these defects in an otherwise highly valuable field of activities, the suggestion is hereby made for the Secretary-General to have in his inner cabinet a director of research who would concentrate in his hands the responsibility for all research work and make the appropriate selection of research projects to be un-

dertaken. Thanks to his erudition, he would also be able to discard those projects which are repetitious. Furthermore, in order to avoid duplication, he would arrange for co-operation with the specialized agencies, with private scientific institutions, and with individual scholars. He would see to it that the research projects receive the necessary attention of the scientific world, and in particular of the scientific periodicals. Finally, he would introduce strict and uniform rules for methodological problems, as well as for the use of source material and bibliography.

Jacob Robinson, LL.D., New York City, legal adviser to Israel's Permanent Delegation to the United Nations since May 1948, was previously in charge of the Institute of Jewish Affairs (1941-47). In Lithuania, he was a member of the bar (1922-40), member of Parliament (1922-27), and legal adviser to the Foreign Office. He is the author of numerous works on legal and sociological problems.

WALLACE S. SAYRE

Professor Chamberlin's prescription for strengthening the United Nations Secretariat amounts, in essence, to a proposal that the Secretary-General should undertake a more modest political leadership, that he should refine his administrative organization, and that he should lean more heavily upon the senior career officers in the Secretariat. It is true that some of Professor Chamberlin's suggestions do not have these declared purposes, and indeed one or two of his recommendations would seem to have an opposite intention; but, on net and in result, the program suggested would move the Secretary-General toward the pattern of Eric Drummond's muted political role and away from the stronger political leadership demon-

strated by Albert Thomas and Trygve Lie.

The strength of the Secretariat, as Professor Chamberlin correctly notes, depends upon the nature of the leadership exercised by the Secretary-General. A strong Secretariat is the product of a Secretary-General who understands the primacy of his political role and sees his administrative role as instrumental to his political leadership. Such a Secretary-General is not cut to the pattern of a high career official, exercising his political influence anonymously and demonstrating his skill in the arts of administration as the larger half of his responsibility. There is no chief political official in the United Nations comparable to a Prime Minister (or to

the President of the United States) whom such a career-type Secretary-General can serve. The Secretary-General himself has an inescapable political leadership role; he is accordingly, as are all political leaders, a risk taker and an expendable, not a career official.

The Secretariat will be strengthened, then, by a Secretary-General who consciously seeks, not to "balance" his political and administrative roles in ways which de-emphasize his political leadership, but rather to fashion his administrative organization to strengthen his political performance. It is doubtful whether this purpose is served by increasing the number of administrative units reporting to the Secretary-General or by immersing him in more numerous contacts with the senior career staff. The Secretary-General's greater need is for broadly conceived and creative political advice.

The Secretary-General is not strengthened by trends toward a self-directing, autonomous bureaucracy within the Secretariat. All bureaucracies have strong

aspirations toward such status; in the United Nations staff such tendencies reduce the political role of the Secretary-General and pull him toward preoccupation with technical problems of management and of specialized programs.

The main road toward strengthening the Secretariat would seem to be to remove the ambiguities, in the Charter and in the precedents, concerning the political leadership responsibilities of the Secretary-General, and to make such responsibilities unequivocal and of first priority. If this were done, problems of administrative structure and procedure would come into meaningful perspective as methods for strengthening the political leadership of the Secretary-General.

Wallace S. Sayre, Ph.D., is professor of public administration at Columbia University. Besides service on university political science faculties, he has been consultant to various federal, state, and local agencies. He is the author, among other books, of The United Nations Secretariat.

The Risks of Revision: Appraisal of United Nations Preparations for Charter Review

By SALAH EL DINE TARAZI *

THE Charter of the United Nations has been the object of much criticism ever since it came into force. On several occasions liberal thinkers, little concerned with political, social, and economic situations, have brought to light the shortcomings of this document of world-wide import. Certain critics, imbued with legalistic formalism and idealistic precepts, have attacked, in the pertinent Articles, what may be termed "inadequate and ineffective." On the other hand, diplomats and thinkers from countries with colonies and overseas possessions have deemed exaggerated the dose of anticolonialism contained in the Charter.

Owing to the fact that revisionist ideas had become current, some countries wished to give them more concrete form. Article 109 of the Charter provides in paragraph 1 that convocation of a conference for the revision of the Charter may be decided at any time "by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council." Paragraph 3 of the same Article hastens to add that "if such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council."

* Translated by Eric Sellin.

As a result of reading these two paragraphs, we note that the General Assembly, in the course of its tenth session, will be forced to solve the problem of convoking a conference for the revision of the Charter. Subsequently, the Security Council will find it equally necessary to face its responsibilities squarely. On the other hand, this conference could not, in accordance with paragraph 2 of Article 109, adopt any decision without a two-thirds majority. Furthermore, modifications of the present text of the Charter will not take effect until they have been "ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations including all the permanent members of the Security Council" (Art. 109, par. 2).

Under these conditions, it appears quite difficult to arrive at any modification of the present text of the Charter, inasmuch as, after the terms have been adopted by the conference—assuming that two-thirds of the members ratify them—a single one of the five permanent members of the Security Council can prevent their coming into force by refusing ratification. Fully to understand this state of things it is necessary to look back and consider the "climate" in which the San Francisco Conference of 1945 took place. This conference did not deliberately undertake the task of conferring dictatorial attributes on the Big Five when it permitted each of them to exercise a right of "veto" in the Security Council and in connection with the ratification of amendments to the Charter. The political conditions that

governed the world in 1945 imposed that formula; they continue to impose it on us today, as we shall see further on.

GENERAL ASSEMBLY, EIGHTH SESSION

With these essential facts in mind, three countries approached the Secretary-General of the United Nations with the request that he place on the agenda of the eighth session of the General Assembly three items different in nature but possessing a common denominator—the future revision of the Charter. The three countries in question were Argentina, the Netherlands, and Egypt.

The point proposed by Argentina appeared rather modest. Its object was to entrust the Secretary-General with the preparation of a study of the interpretation of the Charter by the various members of the United Nations.

The Delegation of the Netherlands asked that the General Assembly call on the governments of the Member States to present their suggestions on the amendments they planned to formulate.

Egypt, much like the Netherlands, requested that a special committee of fifteen members be created with the duty of undertaking the preparatory study necessary for eventual revision of the Charter. The report of this committee could, according to the Egyptian Delegation's way of thinking, be placed before the revision conference and would thus facilitate its task.

The General Assembly decided to include in its final agenda the three points mentioned above and referred them for study to the Sixth Committee, entrusted with the examination of legal questions.

DEBATE IN THE SIXTH COMMITTEE

The Sixth Committee decided, first of all, to proceed with a general debate on the three points concerning the revision of the Charter. This debate proved instructive from all points of view. It

furnished, in any case, substantial proof that the idea of a revision was not yet ripe and that one should not venture to put the cart before the horse. Furthermore, after several meetings, Egypt hurriedly withdrew a draft resolution it had presented in order to give effect to the item on the agenda that had been placed there at its request. Egypt thus abandoned the idea of the establishment of a special committee to study eventual amendments to the Charter. From then on, the debate in the Sixth Committee was confined to the preparation of an official document containing various interpretations of pertinent provisions in the Charter and to the possibility of ascertaining to that end the opinion of the governments of Member States.

Although the question under discussion lost much of its scope after the withdrawal of the item proposed by Egypt, debate was lively and animated. Certain delegates concentrated their efforts on condemnation of the rule of unanimity among the permanent members of the Security Council, which is found in Article 27, paragraph 3, of the Charter and which has come to be known, since San Francisco, as the "right of veto." Actually, it is clear that, in criticizing the "veto," one criticizes the Soviet Union. This attitude would appear normal if it were exhibited in a revision conference, but from the way the matter progressed it became quite apparent that the criticisms were strictly polemical rather than animated by a wish to remedy real defects, which, if allowed to remain, could even constitute a risk to the future of the Organization.

In spite of these polemics, a great many of the countries who had often declared themselves against the veto did not approve of the idea of asking the governments for their opinions on the terms of an eventual revision. They

had their own reasons—which, as a matter of fact, they did not all share. For the colonial powers, it was a question of avoiding any reformulation of the provisions dealing with trusteeship or non-self-governing territories, as a new draft might carry a somewhat more precise definition of the concept of autonomy or independence and might shorten the period during which the administering powers would continue their management of the territories in question.

The Soviet Union fought against asking the governments for advice, claiming this procedure to be illegal, premature, and of a nature to embitter international relations rather than to ease them. This was also the view of Poland and of Czechoslovakia. It rose from the basic idea that one could not express opinions on the subject of the revision of the Charter except at a specific revision conference, in the event of its being called in accordance with Article 109. Any contrary procedure should be condemned, for it would not be likely to foster peace and direct it into a safe and certain path.

Certain countries of the African-Asiatic bloc, in agreement with some countries of Latin America, felt that one should not insist on having the opinion of the governments, but should be content with requesting the Secretary-General to prepare a study of the implementation of the provisions of the Charter. Although these countries had amendments to formulate, notably in the economic and social fields and in that of non-self-governing territories, they nevertheless thought that it was by no means necessary to risk undermining an edifice whose construction had been paid for by the sufferings and misery endured by mankind in the course of World War II. One could wait, after all, till 1955 to adopt (in the course of the tenth session of the General Assem-

bly) a decision with respect to the convocation of a revision conference. In the last analysis, there was no sense in hurrying if people were not ready to adopt any concrete solution right away.

At the conclusion of a prolonged debate, rich in nuances, the Sixth Committee adopted a resolution whereby it entrusted to the Secretary-General the preparation of a series of documents, among which a "repertory of the practices of United Nations organs" figures conspicuously. These documents were to be completed and communicated to the Member States in 1954 or a little later. At a meeting on November 27, 1953, the General Assembly approved this resolution, which received the number 796 (VIII).

INDICATED COURSE OF CHARTER REVISION

Thus it was quite clear that the idea of requesting the opinion of the Member States had been definitely set aside. The procedure of revision of the Charter would have to take the most usual course. The question would be included on the agenda of the tenth session, and the responsibility for calling the conference would devolve on the General Assembly by virtue of the clear and exact provisions of Article 109, paragraph 3. The delegations, however, would have the opportunity of drawing their arguments from the documents which would be put at their disposal by the Secretary-General.

This historical and legal survey permits us to estimate even now the intrinsic value of the modifications which might be made in the present text of the Charter of the United Nations. The Charter constitutes, without a doubt, a document unique in the history of international relations and in the progress of mankind. If certain groups of powers had in mind to retouch this document without the nearly unanimous consent

of all the partners, sad and even disastrous consequences might result from such an action, which, far from serving the cause of peace, would instead endanger it.

SAN FRANCISCO CONFERENCE

We have already mentioned the political climate that prevailed at the San Francisco Conference. It is impossible to overemphasize the fact that this climate was the result of the coalition that events had forced on all the democracies independent of the color of their social convictions. The capitalistic powers, namely, England, the United States, France, and China, were forced to fight side by side with the Soviet Union to destroy the forces of evil incarnated in German Nazism, Italian Fascism, and Japanese imperialism, forces that tried to halt the progress of man and turn back the clock of history. Thanks to this obstinate battle, the coalition of the democracies dedicated its victory with the adoption of the Charter of the United Nations. This marked the beginning of a new era.

Thus the United Nations Organization is the fruit of a long and careful collaboration of countries of various kinds. For the first time in history, the idea had arisen of a universal merger of forces in order to maintain peace and security and to promote higher economic and social standards in all countries. It is indeed too early to pronounce any judgment on the concrete value of these efforts, but it would be equally inappropriate to apply a brake to such a momentum.

INTERNATIONAL RELATIONS PRIOR TO THE U.N.

Before the creation of the United Nations, international relations had always served policies tending to assure the supremacy of one state or group of states to the detriment of others. Every-

thing done in this field bears witness to the truth of this claim. The Treaty of Westphalia in 1648 marked the political defeat of the German Holy Roman Empire, to the profit of England, whose economic aspirations spanned the horizon. The relations between France, England, Spain, and Russia in the seventeenth and eighteenth centuries were marked by a reciprocal wish for mutual destruction. Alliances were made only with a view to counteracting or nullifying other alliances. There were successive wars; some rulers profited from them, others were forced to pay the price with the blood and wealth of their subjects. Territorial changes depended on the outcome of battles and were without previous consultation of the populations involved. In spite of this uncertain, arbitrary, and chaotic state of affairs, the rules of international public law only held for countries belonging to what was then called "Christendom"; the countries "outside Christendom" or of the "Barbary Coast" were considered outside the law. The relations that European powers maintained with the Ottoman Empire were stamped with the seal of discrimination and legal inequality. The Sublime Porte was obliged to bow to the injunctions in the treaties of surrender, and the citizens of the victorious states enjoyed, even inside the Ottoman Empire, a more favorable treatment than that accorded to the subjects of the Sultan.

Eighteenth and nineteenth centuries

Two events marked the end of the eighteenth century: on the one hand, the revolt launched by the colonies in the New World against England, which terminated in 1788 with the Constitution of the United States of America and, on the other hand, the French Revolution of 1789. These events had their repercussions on the course of international public law. For the first

time in history, colonies had succeeded in shaking off the yoke of the parent country and proclaiming their right to live in sovereign independence. Likewise for the first time, in one of the greatest powers of the world feudalism received a mortal blow from which it never recovered. The bourgeoisie, having gained the power in France and subsequently been ensconced in Europe by the Napoleonic conquests, frightened England and the reactionaries in the Russian and Austro-Hungarian Empires. The fall of Napoleon I provided all these forces with an opportunity to injure the prestige of France. The Congress of Vienna of 1815 revealed their plans. It was followed by the Holy Alliance initiated by Czar Alexander I, the object of which was to protect the monarchs and those who supported them from popular upheavals. It was unable, however, to weather the blows of the Revolution of 1848 in France and those that followed in Europe. From that time on, the will of the people became an element which had to be taken into account in the conduct of diplomacy. Unfortunately, balance-of-power politics continued to prevail. During the second half of the nineteenth century the German Empire was reborn, thanks to a subtle game which Bismarck played both with Austria-Hungary in 1866 (the Seven Weeks' War) and with France (the war of 1870). It became necessary once more to establish a power balance; it was set up to the detriment of Russia, France, Austria-Hungary, and, especially, of "the Sick Man of Europe," an epithet applied to the Ottoman Empire. For the first time, Turkey, a non-Christian power, was allowed to participate in the "concert of Europe." Discontented with the Treaty of San Stefano which had put an end to the Russo-Turkish war, Bismarck, with the aim of robbing Russia of the fruits of victory, invited the

Sublime Porte to participate in the Berlin Congress of 1878.

The Berlin Congress inaugurated a new stage with reference to the political equilibrium of Europe. It stimulated France and England to follow a path of colonial expansion in Africa as well as in Asia. The goal of the campaigns of "conquest" and "pacification" was to create markets and outlets and, as a means to this end, to reinforce political influence by military occupation of the overseas territories now transformed into protectorates or into colonies pure and simple. The allocation was often unsatisfactory in the eyes of the partners and created dissensions among them which succeeded in threatening the security of Europe. In this manner rivalry set France against England in connection with Egypt and North Africa; it was resolved by the compromise hidden in the Entente Cordiale of 1904. Similarly, the Franco-German quarrel on the subject of Morocco was terminated as a result of the Conference of Algeciras.

All these quarrels revealed a lust for power and a struggle for markets characterized by a refusal to grant to weak powers the attributes of state sovereignty and by a complete scorn for the aspirations of colonial peoples.

The United States

In the nineteenth century, the United States of America took no active part in European affairs. Guided by the Monroe Doctrine, it engaged in building up its economy and consolidating its power by limiting its political activity to the sphere of the New World. It was the first to proclaim the necessity of applying the principle of nonintervention. Moved by this ideal, Wilson proclaimed, after America's entry into the war in 1917 on the side of the Allies, his Fourteen Points that stressed the

free exercise by a people of the right of self-determination. Unfortunately, Wilson's ideas, which appeared to be a harbinger of the League of Nations, were not put into practice.

The League of Nations

The League of Nations, created in 1919, was the forerunner of the United Nations Organization. It was, however, full of the defects which had stymied the concert of Europe. In fact, power politics continued to reign within the new organization. One large allied power, the United States of America, refused to participate in it. Another large European power, the Soviet Union, born out of the October Revolution of 1917—which also constitutes an important date in history—was not admitted until 1934.

The League of Nations was not in a position to prevent the avalanche of World War II. There is no need to dwell here on the causes that made it totter to its final ruin. It is enough to point out the advantages of the United Nations Organization compared to the League of Nations.

VIRTUES OF THE U.N. CHARTER

Three basic concepts mark, in our opinion, the superiority of the United Nations. These are its appeal for universality, the respect for the sovereignty of its members, and the outlawing of war.

The universality of the United Nations is first of all a result of the fact that two power blocs drew up its Charter: there were both capitalist and socialist countries at the San Francisco Conference. Agreement prevailed among them, a fact which proves that the co-existence of the two types of regime was possible.

Today one may divide the members of the United Nations into three distinct categories: countries with a capitalistic

regime, countries that base their economy on socialism, and underdeveloped countries. The present Organization aims to embrace as many states as possible.

The concept of universality is also apparent in the number of matters submitted to the various organs of the United Nations for examination. Today no aspect of human activity escapes the notice of the Economic and Social Council. Specialized agencies are attached to this Council, and through them the Organization rallies the world in an attempt to make it an indivisible entity.

However, the intimate collaboration of the states cannot take place without a respect for their independence. That is why the Charter of the United Nations rests on the principle of the sovereign equality of all Member States, large or small. Power politics have disappeared, at least in the spirit of the Charter. The respect of sovereign equality means that there is no difference among the states; it means that nonintervention in their domestic affairs is the dominant rule. This rule is but a necessary corollary to the principle of coexistence. Each country has the right to have a political and social regime of its own choice; other countries do not have the right to attempt, by any subversive activity inside or outside another country, to overthrow the government of that country, regardless of how this government came into power.

In order to put these principles into practice, the Charter denounced war as a method of solving international conflicts and replaced it with collective security on a world-wide scale. The armed forces of the Member States may intervene only in case of "any threat to the peace, breach of the peace, or act of aggression" in accordance with Article 39. Consequently, it is impossible, according to the spirit of the Charter, to create alliances or power coalitions di-

rected against other states under the pretext of a future or imminent danger.

These are the virtues found in the Charter of the United Nations. Of course, it has its defects as well. One of its most conspicuous faults is the insufficiency of the provisions concerning trusteeship and non-self-governing territories; the former are subject to control through the medium of the Trusteeship Council, but, as far as the latter are concerned, the Organization is satisfied with receiving information about them. The colonial powers seem to be jealous of their prerogatives and will not submit to taking orders. Moreover no time limit has been fixed as to when these countries may gain their autonomy or independence.

WARNING ON REVISION

However, in spite of the shortcomings that the Charter may contain, it is necessary, in the best interests of mankind and its needs, to undertake a revision only with the utmost prudence and skill. We must not risk ruination of what we have gained. The hour of world government has not yet struck. As long as inequality in fact exists among the states, it is imperative that they conserve their sovereignty intact and not lose it within the world Organization. To revise the Charter in the direction of suppressing sovereignty and creating organs exerting direct action on the states is simply to return to a policy of force and the balance of power.

Salah el dine Tarazi, alternate representative of Syria to the United Nations and a member of the Sixth Committee of the General Assembly, has been a member of the Syrian Delegation since 1950. He is a professor on the Faculty of Law of the Syrian University and was in law practice in Damascus from 1940 to 1945. In 1948 he was first secretary of the Syrian Legation in Paris.

Soviet Policy Toward Revision *

DURING the discussion on the inclusion in the agenda of the proposals on "preparatory work with regard to the possible holding of a general conference" to review the Charter, the delegation of the Soviet Union pointed out that those proposals were in no way technical or procedural, nor entirely unrelated to the revision of the Charter, as their advocates asserted.

In the course of the debate in the Sixth Committee, it was repeatedly demonstrated that the fact that this question had been raised at the present session of the General Assembly could not be dissociated from the campaign which is being waged against the fundamental principles of the Charter, and in particular against the principle of the unanimity of the great Powers, the corner-stone of the United Nations. The debate bore out the case put forward by the Soviet delegation during the discussion on the inclusion of these proposals in the agenda of the present session.

It was proved beyond all dispute that another purpose of this campaign was to exacerbate the cold war. The reactionary circles in the United States are trying, by means of this campaign, to divert the attention of public opinion in the United States and a number of other countries from the incontestable fact that the current serious crisis of the United Nations—now degraded to the role of an appendage of the North Atlantic bloc—is due not to the shortcom-

ings of any of the provisions of the Charter, but to the fact that the fundamental provisions of the Charter have been disregarded and violated by a number of countries and particularly by the United States. It has thus become quite clear that the reason why the General Assembly is being asked to adopt a decision relating to "preparatory work with regard to the possible holding of a general conference" for the review of the Charter is that it desired to use the name of the United Nations to cover up and justify the great campaign against the fundamental principles of the Charter which is being conducted by the United States and certain other countries.

The preamble of the draft resolution adopted by the Sixth Committee, in particular, has that end in view. In this connexion, we believe it should be remembered that in the Sixth Committee sixteen delegations voted for the replacement of the preamble by another form of words containing no reference to "preparatory work with regard to the possible holding of a general conference" for the review of the Charter. As you know, the majority of the Sixth Committee rightly deleted from the operative part of the draft resolution an appeal to Member States of the United Nations to submit their views with regard to the possible review of the Charter; the operative part, in the form in which it was adopted by the Committee, now calls merely for the publication of certain documents connected with the San Francisco Conference and of a repertory of the practice of United Nations organs. We consider that the request to the Secretary-General, contained in sub-paragraph

* Text of statement by Mr. P. D. Morozov, delegate of the Union of Soviet Socialist Republics, before the United Nations General Assembly, eighth session, November 27, 1953. United Nations, *Official Records of the General Assembly, Eighth Session*, 458th Plenary Meeting (A/PV. 458).

(c) of the operative part, to prepare a repertory of the practice of United Nations organs, imposes on him an obligation which it is not within his competence to fulfil; it entails the type of research which, by definition, cannot be effected without commenting in one way or another on decisions taken by the various organs of the United Nations.

For these reasons, the USSR delegation will vote against the preamble and against sub-paragraph (c) of the operative part of the draft resolution submitted by the Sixth Committee. If the preamble is adopted, my delegation will vote against the draft resolution as a whole.

The Soviet delegation wishes to emphasize that the tremendous value of the United Nations as an instrument of peace depends first and foremost on unswerving fidelity to the provisions of the Charter and, above all, on adherence to the principle of the unanimity of the permanent members of the Security Council. What is needed to extricate the United Nations from the serious crisis in which it finds itself is not a revision of the Charter, but the return of the Organization to the road which was marked out for it by the Charter. The entire work of the United Nations should be concentrated on the fulfilment of its essential task, which is to promote the solution of international problems and to prevent, with the co-operation of all its Members, any possibility of aggression by one State against another and, in particular, to prevent the outbreak of a new world war. In the present international situation, any proposals for the review of the Charter can result only in weakening and undermining the Organization and increasing international tension. For that reason we consider that delegations which are sincerely interested in

the maintenance of international peace and security should unite their efforts to prevent the adoption of decisions capable of being exploited to the detriment of the United Nations.

* * *

A summary of the statement made by Mr. Morozov before the Sixth Committee of the General Assembly, November 2, 1953, follows: †

8. . . . The debates [in the Sixth Committee] had confirmed a primary truth: the international atmosphere was such that to raise the question of review was to risk providing the forces of aggression with weapons. The representatives of Poland, the Byelorussian SSR, the Ukrainian SSR and Czechoslovakia had demonstrated very clearly that the question before the Committee was linked to the campaign launched by the United States against the principles of the Charter, against the maintenance of peace. He fully shared that view.

9. In a statement made at a previous meeting, Mr. Byrnes had maintained that it was not the United States which was instigating the campaign for a review of the Charter. He had said nothing about the campaign being conducted in the United States under the influence of reactionary elements against the principles of the Charter, but he had wished to make the Committee believe that other countries had in fact started the campaign for revision. Moreover, Mr. Byrnes had contradicted himself repeatedly. He had said that the United States would vote for the calling of a General Conference for a review but later had said that the United States delegation did not yet know whether a

† United Nations, *Official Records of the General Assembly, Eighth Session, Sixth Committee, Summary Records of Meetings*, 16 September to 28 November, 1953, pp. 93-94.

review was possible or desirable. Those two statements were surely irreconcilable.

10. There was no doubt that the United States was anxious for a review of the Charter, for as early as 1948 the United States Senate had adopted a resolution calling for the abolition of the unanimity rule in the Security Council. Since then, on 28 July 1953, the Senate had authorized the establishment of a special sub-committee of the Committee on Foreign Relations, with large resources, to study proposals for amending the Charter. In a plenary meeting of the General Assembly early in the current session,¹ Mr. Dulles had stated that good use should be made of the opportunity to review the Charter.

11. He wondered what direction that review was to take. In a speech made at Boston on 26 August 1953, Mr. Dulles had stated that the unanimity rule in the Security Council no longer met the requirements of the present situation. That was the view generally held in reactionary circles, which wished the rule—the keystone of the United Nations—to be eliminated. The world was told that the inadequacies in the United Nations action were attributable to defects in the provisions of the Charter. However, the world was not told that the severe crisis through which the Organization was passing was to be explained only by the fact that the Charter had not been respected, particularly by the United States. The great people of China were deprived of their legitimate right to participate in the Organization's work. In many other respects the provisions of the Charter had been flouted.

12. Many delegations had said that the preparatory work should not serve

as a pretext for encouraging hatred of certain States. Yet that was a real danger. Even though some delegations had endeavoured to confine the debate to procedure and to inject a moderate note, violent and vicious attacks had been made upon the principle of unanimity and, through that principle, upon certain States. He wondered what would happen if that discussion were to continue unabated for two years.

13. The speech of the representative of Panama (372nd meeting) was one example of that aggressive attitude. He had said that at San Francisco the principle of the equality of States had been disregarded for political reasons. According to him, as a result of the domination of the great Powers, the United Nations was inferior to the League of Nations. That was false and misleading. The League of Nations had demonstrated its impotence. The lessons of experience had been heeded. The Organization had been made more effective by the establishment of the fundamental principle of the unanimity of the permanent members of the Security Council. The representative of Panama had also claimed that the unanimity rule was contrary to the interests of the smaller Powers. Mr. Molotov had said, however, that the right of veto prevented the formation of aggressive blocs, was an obstacle to intrigue and, although not a panacea, was an effective tool for better co-operation in the interest of all the Powers, large and small.

14. The proceedings in the Committee illustrated the struggle between two schools of thought, one which desired international co-operation through the United Nations, the other which reflected a desire for world domination. The value of the United Nations depended on its effectiveness in maintaining peace. As the Committee had probably noted, the effectiveness of the

¹ See *Official Records of the General Assembly, Eighth Session, Plenary Meetings*, 434th meeting

Organization could be ensured through respect for the Charter and a sincere desire for co-operation; it was not necessary for that purpose to amend the fundamental provisions of the Charter. The Syrian and other representatives had rightly said that any attempt to alter the Charter might have disastrous ef-

fects on the very existence of the Organization.

15. For the reasons he had just explained he was opposed to any proposal for preparatory work in any form whatsoever which would be connected with the idea of a review of the Charter. . . .

United States Planning for Charter Review

By DAVID MCKENDREE KEY

PREPARATIONS by the United States for a possible conference to review the United Nations Charter are currently proceeding through three channels: the country's private organizations, the Senate subcommittee on this subject, and the Department of State. Secretary of State Dulles has urged citizens' groups throughout the nation to give serious study to the question so that the government may have the benefit of their thinking and a measure of public opinion. The Senate, in 1953, established a special Subcommittee on the United Nations Charter which, during 1954, under the chairmanship of Senator Wiley, has been holding public hearings in different parts of the country. This subcommittee is directed:

to make a full and complete study of proposals to amend, revise, or otherwise modify or change existing international peace and security organizations, for the purpose of guiding the Senate in the fulfillment of its responsibility . . . to advise the President with respect to the foreign policy of the United States, and particularly with reference to the policy of the United States at the General Conference of the United Nations for review of the Charter. . . .¹

In the Department of State, an increasing amount of time and attention is being devoted to the technical analyses and appraisals that must underlie eventual policy decisions concerning Charter review. The results of these separate efforts, taken in conjunction with the views of other friendly nations and with the world situation at the time the conference is held, will determine

¹ Senate Resolution 126, Eighty-third Congress, first session.

the United States position at such a conference.

PROCESS OF POLICY DETERMINATION

This government has made no commitments with respect to Charter review beyond indicating that it expects to favor the holding of a review conference when, under the Charter, this question comes before the tenth session of the General Assembly in the autumn of 1955. In their statements before the Senate subcommittee, Secretary Dulles and Ambassador Lodge have said that final policies in relation to Charter review will not be decided until the views of the American people and of the Congress have been ascertained.² These views are not likely to become crystallized before some time in 1955. The problems involved are complex and the range of reactions to them wide. Much study will be required if the conclusions ultimately reached are to be soundly based, and much discussion will be needed before the general consensus of the country can be discerned. The Senate subcommittee is not expected to report until February 1955.³

When these views have become crystallized, it will be the task of the administration to merge them with its own thinking on Charter review for the purpose of determining a United States position on the specific problems in-

² Hearings before a Subcommittee of the Committee on Foreign Relations, United States Senate, Eighty-third Congress, second session, on Proposals to Amend or Otherwise Modify Existing International Peace and Security Organizations, including the United Nations, Part I, January 18 and March 3, 1954.

³ Senate Resolution 193, Eighty-third Congress, second session.

volved that will most accurately reflect our national objectives and most effectively further our national interests as they relate to the United Nations.

At this stage, consultations with other friendly nations will be necessary before final decisions can be made. Charter review is essentially a political problem and must be considered in the context of existing relations among states and the demands of the world situation, from the standpoint not only of United States interests but also of the parallel interests of the rest of the free world. The United Nations is a voluntary association of sovereign states, which depends for implementation of its decisions on the free co-operation of its members. Care must therefore be taken at a review conference to avoid action that would jeopardize this co-operation, and to assure that the decisions reached will contribute to, rather than detract from, the free world's sense of common interest.

SUPPORT FOR A REVIEW CONFERENCE

In deciding to favor the holding of a review conference, the administration was responsive to public sentiment as reflected in the Senate resolution establishing the special subcommittee. It also took into account the fact that at San Francisco in 1945 many states had accepted Charter provisions to which they had strong objections on the understanding that there would be an opportunity to review these provisions at the end of ten years. The United States had indicated at San Francisco that it would support the holding of a review conference after ten years, and, as Secretary Dulles has pointed out, it would appear to be a matter of simple good faith on the part of this government not to reverse its position now. That a majority of United Nations members will still wish to hold a review conference when this question arises in

1955 appears likely from the discussion at the eighth General Assembly of certain procedural proposals looking toward Charter review.

Further, the administration thinks that a review conference can serve a useful purpose, despite the fact that under the Charter, the U.S.S.R., along with the United States, the United Kingdom, France, and China, has a veto over any proposed amendments. A careful reappraisal of the Charter against the background of ten years' experience should, at the least, serve to clarify that the failure of the United Nations entirely to fulfill the high hopes held for it in 1945 is primarily a matter of the performance of Member States, and particularly of the Soviet Union, in observing their Charter obligations. It should serve to bring about a greater understanding of the potentialities of the Charter and a greater realization of the development within its framework that has already taken place in order to meet a world situation that was not foreseen in 1945. Such a reappraisal could also serve to develop agreement on improved practices under the Charter as it now stands, which would strengthen the Organization immeasurably. Where amendment may seem desirable, the conference will make clear whether nations generally are prepared to go any further in their commitments than they were in 1945. In this connection, the possibility should not be entirely precluded that, should there be general agreement on the desirability of some change in the Charter, the U.S.S.R. might prove susceptible to the pressure of world opinion and refrain from exercising its veto, particularly if alternative methods of achieving the same end, but without amendment, have been developed.

The potential value of a review conference, therefore, appears to the administration to outweigh the two prin-

cial dangers in such a conference; namely, that its calling will arouse false hopes, which can only lead to later disillusionment, and that it will stimulate efforts to rewrite the Charter, which could destroy the United Nations in the present circumstances of international tension.

SCOPE OF REVIEW

President Eisenhower has said of the United Nations that "it still represents man's best organized hope to substitute the conference table for the battlefield" and has characterized it as a "sheer necessity."⁴ In his testimony before the Senate subcommittee, Secretary Dulles emphasized that "the Charter as it is can be made to serve well the cause of international peace and justice" and warned against pressing differences of opinion on how to strengthen the United Nations to a point where they undermined or disrupted the Organization.

There is in this country strong support for the United Nations. There is also some disillusionment. There are those who feel that the failure of the United Nations to fulfill all their hopes arises from the fact that it does not go far enough, and they advocate its transformation from a voluntary organization of sovereign states into some sort of superstate. At the other extreme are those who are basically skeptical of all world-wide efforts toward international co-operation, and they would like to see the United States withdraw from the organization. Still others would like to see the U.S.S.R. and its satellites expelled, and the United Nations turned into a closely knit military alliance. Some Americans have in mind specific amendments of a less far-reaching nature

which they believe would enable the Organization to function more effectively, while others are averse even to considering changes in the Charter for fear that in the present world situation the end result will be a loss of ground.

In the view of the Department of State, proposals along the lines of the first three do not fall within the proper scope of Charter review, since the purpose of such review is to strengthen the existing Organization—not to destroy it or to change completely its character. To try to write a completely new Charter would, in the words of Secretary Dulles, be to "open a Pandora's box," and the chances of bringing together in a new organization anything approaching the present membership of the United Nations would not be good.

It is therefore with the thinking of the fourth group mentioned above that the Department of State is primarily concerned in its studies preparatory to Charter review, since it does not support the view that it is too dangerous even to consider amending the Charter.

PRINCIPAL ISSUES

No decision has yet been taken on what, if any, amendments to the Charter the United States should advocate. The past nine years' experience in the United Nations, however, points to certain major questions as likely to arise at any review conference.

Membership

One of these questions is the scope of United Nations membership. Should we move toward making that membership as nearly universal as possible, always remembering, of course, that there are some regimes whose complete disregard of accepted standards of international conduct is such that they cannot properly be brought into organized international life? The United Nations, nine years ago was much more nearly

⁴ Statement by the President on September 23, 1953, to the members of the U. S. Committee for United Nations Day, Department of State *Bulletin*, Vol. 29, no. 745 (October 5, 1953), p. 457.

universal than it is now. Since 1945, many new nations have come into being, and the ex-enemy states, excluded from original membership in the United Nations, are again becoming important members of the world community. There are now nineteen applicants for United Nations membership, fourteen of which would have been approved except for the Soviet veto. The other five—sponsored by the Soviet Union—have never received a majority vote, since it has not been thought that they meet the Charter qualifications for membership. This impasse with respect to new members has caused growing concern, and at a review conference two questions in this connection may be raised: (1) Does Article 4 of the Charter set forth the proper criteria for membership? (2) Should the veto on the admission of new members be eliminated? The Vandenberg resolution adopted by the United States Senate on June 11, 1948, recommended a voluntary agreement among the five permanent members of the Security Council to remove the veto in this regard.

The Security Council

The obvious inability of the Security Council in this sharply divided world fully to exercise its "primary responsibility for the maintenance of international peace and security" raises the basic question whether there are any feasible Charter changes that would enable the Council more effectively to discharge this responsibility or whether we should rely, rather, on alternative arrangements. For example, could the Charter provisions for membership and voting in the Council be improved? Should the veto be removed from the pacific settlement of disputes under Chapter VI of the Charter? This also was recommended by the Vandenberg resolution. Carrying forward the line of development begun in 1950 with the

"Uniting for Peace" resolution, should greater responsibility in the security field be assigned to the General Assembly, where there is no veto? Or in the present world situation should we leave primary responsibility for security to collective self-defense and regional organizations authorized by Articles 51 and 52 of the Charter?

Economic and social issues

The growing importance of the General Assembly in the security field, together with the increasing attention being given by the Assembly to economic and social problems and to "colonial" issues, suggests the question whether some type of weighted voting is needed in that organ, reflecting the capacity of members to assume economic and military responsibilities. Further, there is the question whether under these circumstances some reallocation of functions as between the Assembly and the Economic and Social Council and the Trusteeship Council is needed to enable the United Nations to function more effectively. The magnitude of the program in the economic and social field, as well as its importance in strengthening the free world, points also to a re-examination of the relationships between the United Nations itself and the specialized agencies to see whether any greater integration of the latter with the former would contribute to the efficient operation of this program.

There has been a growing tendency in the United Nations for states whose sympathies are aroused by conditions outside their own boundaries to bring these conditions to the attention of the Organization. This development has given rise to questions concerning the interpretation of Article 2 (7) of the Charter, which stipulates that the United Nations shall not intervene in matters essentially within the domestic jurisdic-

tion of a state, and to grave apprehensions on the part of some members. It may be asked, therefore, whether Article 2, paragraph 7, adequately delimits the competence of the United Nations or whether a more precise line should be drawn between the common interests within the scope of the association and the individual interests that remain the exclusive concern of a Member State.

Regulation of armaments

While the question of regulation of armaments did not receive particular emphasis in the writing of the Charter, the awful destructiveness of atomic and nuclear weapons has since heavily underscored this problem. Much effort therefore has been and is being spent by the United Nations in seeking a solution to it. The lack of progress is directly attributable to Soviet policy, but the question still remains whether anything was omitted from the basic structure of the United Nations that if added now might assist our continuing effort to reach general agreement on a com-

prehensive program of safeguarded disarmament.

International law

There has also been little progress made toward the development of a real international law, generally accepted by the community of nations, to replace political considerations as the basis for decision by the United Nations. This raises the question whether the Charter provisions designed to encourage such a development are inadequate or whether the lack of progress is a matter of the disposition of Member States.

In the view of the Department of State, these are the major questions—as they have arisen out of our experience over the past nine years in the United Nations—that should be considered in connection with Charter review. It is therefore toward determining where the answers to them lie that the Department is currently directing its preparatory studies. Further consideration, and experience between now and any review conference, may either broaden or contract the list.

David McKendree Key, Washington, D. C., is Assistant Secretary of State for International Organization Affairs. He entered the Foreign Service in 1925 and thereafter held many posts of increasing responsibility in different parts of the world. He was United States Ambassador to Burma from 1950 to 1952, when he retired from the Foreign Service. He served as adviser on Far Eastern affairs to the United States Delegations to the sixth, seventh, and eighth sessions of the General Assembly (1951-54).

The Senate and the Review of the United Nations Charter

By ALEXANDER WILEY

TO illustrate the problems involved in the review of the United Nations Charter I have frequently used this example: "You can have a mechanically perfect automobile, the finest automobile in the world. Put it in the hands of bad drivers and it won't be a fine automobile for very long. You might not even have a car at all!"

This analogy seems to me to indicate the basic limitations of any review of the Charter. We can work to perfect the machinery of the United Nations and other international organizations to which we belong. We can even try to improve our own driving. We cannot, however, control the quality of all the driving; the steering wheel, for better or for worse, is shared by many nations.

It does not follow from the analogy, however, that a review of the Charter at this time is without value. To carry the example a little further, suppose the engine of the automobile is missing or is not delivering the amount of power the salesman said it would. Just because the driving has been bad is no reason why we should not raise the hood and try to find out whether or not we can tune up the engine. If this is done, a number of interested observers will soon gather around; some of these may be experts on engines and some will be wise, helpful laymen. They will analyze the difficulties and offer advice. People will almost certainly ask first whether there is any gas in the tank. There will be, in all probability, some extreme suggestions on what ought to be done, like junking the automobile or replacing the engine completely with a new one.

There will also be some moderate ideas on what is wrong with the carburetor or the valves, the spark plug and the radiator. Out of the wisdom of the observers, in short, may come some of the answers as to how the drivers, inadequate as they are, may still proceed on the road to decent, peaceful relations among the nations of the world.

SENATE RESPONSIBILITY FOR CHARTER REVIEW

Among the interested observers in any examination of the Charter of the United Nations is the Senate of the United States. The Senate has a dual constitutional responsibility in any conference that may be called to review the Charter.

In the first place, under our Constitution no amendments that may be proposed can become effective without the consent of the Senate. Under Article 109, paragraph 2, of the Charter:

Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect *when ratified in accordance with their respective constitutional processes* by two-thirds of the Members of the United Nations including all permanent members of the Security Council.

The Senate of the United States has the additional function of "advice" in foreign relations, and this function may be brought into play in connection with the review of the Charter. That is, the Senate need not stand apart from the review conference and wait to see what may be produced in the way of amendments to the Charter. It may instead

come in on the ground floor and suggest to the President what changes, if any, are believed desirable or acceptable.

THE SENATE AND U.N.

Full participation in this fashion would be in accord with the long-standing interest which the Senate has had in the United Nations. It is an interest which was first manifest in the Fulbright and Connally resolutions in 1943 and has persisted ever since that time.

In those resolutions, the President was advised, in effect, to co-operate with other countries in the creation of an international organization to keep world peace. Various senatorial groups subsequently assisted the executive branch in planning our national policy during the drafting of the Charter. At San Francisco, members of the Senate and the House made outstanding contributions as members of the American delegation. On July 28, 1945, the Senate consented to ratification of the Charter by a vote of 89 to 2.

Nor did the interest of the Senate wane after ratification. In the ensuing months, a considerable body of legislation was approved which made possible our effective participation in the United Nations and its various specialized agencies, and in each year since, the Senate has considered appropriations growing out of our membership in the organization.

The Senate has not always waited for the initiative in United Nations affairs to come from the executive branch. From time to time it has given specific guidance to the President on American policy in the United Nations as, for example, in the resolution adopted January 23, 1951, expressing the sentiment of the Senate that Communist China should not be represented in the organization.

The Senate has even taken the lead in seeking fundamental adjustments in

the United Nations system. In the Vandenberg resolution, adopted June 11, 1948, the President was called upon to seek voluntary agreement to remove the veto from all questions involving pacific settlement of international disputes and situations, and from the admission of new members. In the same resolution, the Senate also encouraged the President to seek regional security arrangements for the defense of the United States and to press for the international control of armaments, within the framework of the Charter.

The Vandenberg resolution was adopted at a time when one of the fundamental premises of the United Nations Charter, unity of the permanent powers, had collapsed under the pressure of Communist aggression. It was an attempt by the Senate to bring about an adjustment in both United States policies and the United Nations system, in the light of the changes which had taken place in world politics.

Part of the Vandenberg resolution, those portions dealing with regional security, have already borne fruit in such arrangements as the North Atlantic Treaty Organization and our security pacts in the Pacific area. These arrangements were designed to buttress the security of the United States and world peace at a time when it had become evident that the collective security provisions of the Charter would not prove as effective as originally expected. Other parts of the resolution have not been carried out, but they have become integral parts of our foreign policy. They represent objectives still being pursued by our government. In short, then, the effect of the Vandenberg resolution, even though only partially implemented, has been to strengthen the hand of the executive branch in matters involving the United Nations system. As a result of this resolution, two Presidents have been able to negotiate and

to act with confidence, because they had before them certain visible boundaries of senatorial consent.

The Vandenberg resolution suggests the role which the Senate can play in a review of the Charter. It can advise the President as to whether it believes the United States should support the holding of a review conference and, if so, what changes if any he should seek to bring about in the Charter at such a conference. It can also use the occasion of a general review to examine the policies which are being pursued by this country in the United Nations and other international organizations and make recommendations thereon if such are deemed desirable.

PROBLEMS AND NEEDED FACTS

An old professor of mine many years ago taught me a very fundamental principle in the practice of law. He said: "Whenever you have a case first make sure you get the facts, all the facts; *then* look up the law." The same principle, it seems to me, applies in a review of the Charter. Members of the Senate must familiarize themselves fully with the facts involved in Charter review before they can hope to deal effectively with this difficult question.

The facts today are more extensive and more complicated than those which were involved in drawing up the Charter a decade ago. Major questions which were debated and discussed then are likely to arise again. In the first flush of peace at the end of World War II, it was easy to regard as settled matters which in reality were unsettled. Eight years of operating experience with the Charter has shown this to be the case. It has shown, too, that while parts of the Charter have worked effectively, other parts have worked badly, in ways not anticipated, or not at all.

It is likely that member countries, in-

cluding the United States, will want to take a fresh look at many of the questions that were considered at San Francisco in 1945. Among these questions are those involving the impact of the United Nations on domestic jurisdiction, the problem of membership, the voting procedures in various organs, the respective functions of the General Assembly and the Security Council, trusteeship and non-self-governing territories, control of armaments, regional security arrangements within the United Nations system, and the status of the specialized agencies.

Such questions, complicated in themselves, will moreover have to be reviewed in the light of the collapse of a fundamental premise of the Charter—harmony among the five permanent powers. In 1945, a continuance of this harmony was assumed and written into the Charter. In 1954, however, there is a situation of world-wide tension produced primarily by forces of aggression emanating from the Communist states.

To this complication of the problem of review must be added one other. During eight years of operation the United Nations has evolved into an organization quite different from what was originally anticipated. This development has come about largely, though not exclusively, as a reaction to the intransigence of the Soviet Union. Whatever its causes, the development has produced changes and adjustments in the United Nations system which were not foreseen. It would be highly unrealistic, then, to review the Charter except in this larger setting.¹

¹ The Chief of Staff of the Committee on Foreign Relations, Francis O. Wilcox, has shown in a staff study prepared for the subcommittee the ways in which the U.N. has grown within the framework of the present Charter.

EDITOR'S NOTE. This study served as the basis for the opening article in this issue of THE ANNALS.

SENATE SUBCOMMITTEE ESTABLISHED

In these complex circumstances how is the Senate to obtain the facts necessary for effective participation in the impending review? On July 28, 1953, it passed Senate Resolution 126, introduced by Senator Guy Gillette of Iowa, establishing a special Subcommittee on the United Nations Charter under the Foreign Relations Committee. The subcommittee consists of six members chosen from the Committee and two additional members selected from the Senate at large by the Vice-President.²

In setting up this subcommittee, the Senate provided itself with a special channel of information on the subject of Charter review. There are, of course, many other sources of information available to members of the Senate, such as the daily press and constituent correspondence, to note only two. The subcommittee, however, is an arm of the entire Senate and it acts as a kind of clearinghouse for relevant information on Charter review.

Under the terms of Senate Resolution 126, the Subcommittee on the United Nations Charter "is empowered and directed to make a full and complete study of proposals to amend, revise or otherwise modify or change existing international peace and security organizations."

The purpose of the study is clearly set forth in the resolution, namely, to assist the Senate in discharging its function of advising

the President with respect to the foreign policy of the United States and particularly with reference to the policy of the United States at the General Conference of the United Nations for the review of the Char-

ter to be held in accordance with article 109 of Chapter XVIII of the Charter.

SUBCOMMITTEE FUNCTIONS

The subcommittee, as an agency of the Senate, is only one of many groups, official and unofficial, in this country and abroad that are participating in the general preparations for a review of the Charter. There is, so to speak, quite a crowd of interested observers gathered round examining the engine under the raised hood.

The Department of State, for example, is making a thorough study of the technical questions involved in review. Other foreign offices are undoubtedly doing the same. The United Nations General Assembly at its last session voted 52 to 5 to direct the Secretariat to undertake certain preliminary study in anticipation of a conference. Individual students, private organizations, and research foundations in considerable number are examining the question.

The very extensiveness of the preparations for the review suggests the limitations as well as the potentialities of the subcommittee. We have neither the intention nor the capacity to duplicate the efforts of all the other examiners of the Charter. On the contrary, we have drawn upon their work and will continue to draw upon it to the fullest possible extent. The job of the subcommittee is one of fact gathering from many sources, and it is also a job of fact digesting. What we are trying to do is to bring to the attention of the Senate the fullest possible amount of usable information on the subject of Charter review.

To do the job effectively requires that members of the subcommittee inform themselves fully on the general issues of Charter review. We must examine and weigh numerous analyses of the prob-

² The subcommittee is bipartisan, with a present membership that includes Senators Ferguson, Knowland, Cooper, Holland, Sparkman, Gillette, and Mansfield, in addition to myself as chairman.

lems and proposals for dealing with them. We must seek information emanating from many sources and representing many points of view. We must study the issues and the possible alternatives for their solution in a framework of how best to protect the interests of the United States in a world at peace. We are expected, finally, to report to the Senate with respect to the Charter and the United Nations system so that the Senate will be better equipped to discharge its functions of "advice" in connection with the impending review conference.

SUBCOMMITTEE METHODS

The subcommittee has interpreted its directive under Senate Resolution 126 to include two principal fields of study. We are concerned, first, with issues arising out of the operation of the United Nations system under the Charter. We are also concerned with United States policies in the United Nations and related international agencies of which this country is a member. Criticisms, analyses, proposals, and suggestions which fall within these two categories are regarded as germane to the work of the subcommittee.

In carrying out its responsibilities under Senate Resolution 126, the subcommittee has used two methods that are commonly employed by congressional bodies of this kind. We have drawn upon the research facilities available to the legislative branch of the government, particularly the subcommittee staff and the Library of Congress. We have also used the device of the public hearing.

One of the first actions of the subcommittee was to collect basic documentation relative to Charter review. As published in Senate Document 87, the collection contains the international instruments related to the adoption of

the Charter, a documentary history of United States legislation since 1943 which has helped to shape the course of our participation in the United Nations system, and an illustrative selection of official studies, acts, and statements dealing with some of the principal issues of Charter review.

As additional background for its study, the subcommittee has in process a series of staff studies, each analyzing a principal problem of review. At present, five of these analyses have been completed; they deal with the veto, the development of the Charter and the amending process, membership in the United Nations, representation and voting in the General Assembly, and peaceful settlement of disputes.³

The other principal device of the subcommittee, the public hearing, has already been employed eight times, and further use of it is contemplated. Early in 1954, the subcommittee received the testimony of the Secretary of State and the United States Ambassador to the United Nations.⁴ Both Mr. Dulles and Ambassador Lodge dealt with the problems of Charter review as seen from the perspective of the executive branch and helped the subcommittee thereby to delineate the scope of its own study.

³ The five studies referred to are Staff Study No. 1, The Problem of the Veto in the United Nations Security Council; Staff Study No. 2, How the United Nations Charter Has Developed; Staff Study No. 3, The Problems of Membership in the United Nations; Staff Study No. 4, Representation and Voting in the United Nations General Assembly; and Staff Study No. 5, Peaceful Settlement of Disputes in the United Nations. U. S. Senate, Committee on Foreign Relations, Subcommittee on the United Nations Charter, *Committee Prints*, 1954. Others dealing with collective security, the specialized agencies, trusteeship, human rights, and similar issues are in various stages of preparation.

⁴ U. S. Senate, Committee on Foreign Relations, Subcommittee on the United Nations, Hearings, Part 1, January 18 and March 3, 1954.

Grass-roots hearings

One of the most important actions of the subcommittee has been to invoke in a new setting the old device of the public hearing of interested citizens. Beginning in Akron, Ohio, on February 12, 1954, the subcommittee has met at intervals of several weeks in Milwaukee, Wisconsin, Greensboro, North Carolina, Louisville, Kentucky, Des Moines, Iowa, and Minneapolis, Minnesota.

These "out of Washington" or "grass-roots" hearings, as they have sometimes been called, represent something of an innovation in the field of American foreign relations. Committees of Congress have frequently met in cities outside Washington to consider domestic issues. The present series, however, represents the first attempt to take a major question of foreign policy directly to the people of the United States for testimony and discussion.

The subcommittees have gone out into the country to obtain analyses, criticisms, and ideas with respect to United States policies on the Charter and the United Nations system. We have not been disappointed. Wherever the subcommittee has convened, the response of the local citizenry has been substantial, stimulating, and creative.

These hearings have not been lacking in qualities of humor which represent the essence of the wisdom of the American people. One witness in Akron, for example, commented: "As for the United States, our people as yet are not ready to substitute 'My world 'tis of thee' for 'My country 'tis of thee.' I couldn't sing that." And when questioned about the advisability of keeping the Soviet Union in the United Nations, he added: "I want her in. We can watch her better. If she gets out, you can't tell where she will ramble."

As many as fifty witnesses have sometimes been heard in a single day of

testimony in these grass-roots hearings. The witnesses have been drawn from all walks of life, and their observations have served to enrich our understanding of the problems before us. The conduct of these hearings is not without difficulties. The United Nations is a subject which arouses strong and sometimes conflicting passions in the communities of the United States. However, by making every effort to keep the proceedings impartial and objective and to hear all points of view (so far the subcommittee has heard or received written statements from every person requesting an audience), it has been possible to reduce the heat to a minimum and increase the light to a maximum.

These hearings are not, of course, a public opinion poll on the popularity of the United Nations and are not intended to serve that purpose. They do, however, tap sources of wisdom throughout the country on the problems of Charter review, sources which otherwise might lie dormant. The data collected from these hearings will be weighed, together with other information obtained from research, official sources, and national organizations. This vast accumulation of raw materials should provide the basis for judgments by the subcommittee which will be rooted in the intelligence and understanding of the American people.

CONCLUDING COMMENTS

The work of the subcommittee on the United Nations Charter shows clearly that there is a widespread and informed interest in the United States in the question of Charter review. Few, if any, of the individuals and groups with whom we have come into contact in this work are seeking miracle solutions to the complex problems that arise from the fact that nations live together to-

day in a shrunken world in which the threat of Communist aggression is ever present. For the most part they are deeply concerned with these problems and are looking for sensible, practical ways of meeting them.

The subcommittee shares this con-

cern. We are examining along with others the mechanism under the hood of the United Nations system. It is highly important, in my opinion, that we do so. The security of the nation and the peace of the world are closely connected with this mechanism.

Alexander Wiley, LL.B., Washington, D. C., United States Senator from Wisconsin since 1938, chairman of the Senate Committee on Foreign Relations, chairman of the Senate Subcommittee on the United Nations Charter, was a delegate to the seventh session of the United Nations General Assembly (1952). He has also served as American delegate at numerous international conferences. He is a member of the bar in Wisconsin and practiced law there for many years before his election to the Senate.

Book Department

	PAGE
INTERNATIONAL RELATIONS AND WORLD GOVERNMENT	153
UNITED STATES GOVERNMENT AND HISTORY	169
ECONOMICS AND INDUSTRY	178
SOCIOLOGY AND EDUCATION	185
PHILOSOPHY AND RELIGION	193
SPECIAL TOPICS ABROAD	
COMMONWEALTH OF NATIONS	203
SLAVIC COUNTRIES	207
WESTERN CONTINENTAL EUROPE	209
OTHER COUNTRIES	215
LETTERS TO THE EDITOR	223
OTHER BOOKS	224

INTERNATIONAL RELATIONS AND WORLD GOVERNMENT

CLARK, GRENVILLE, and LOUIS B. SOHN.
*Peace Through Disarmament and Charter
Revision: Detailed Proposals for Revi-
sion of The United Nations Charter.*
viii, 149. Preliminary Print by the au-
thors, Dublin, N H., 1953. No Price.

*Peace Through Disarmament and Char-
ter Revision* is the most judicious and
explicit of the proposals to establish some
form of world government as a guarantor
of international peace and security. Ad-
vanced by two eminent lawyers in pre-
liminary form as a basis for discussion and
criticism prior to final publication in 1955,
the work embodies a comprehensive textual
revision of the United Nations Charter and
a point-by-point commentary giving the
rationale for the amendments proposed. It
is therefore germane to the current public
and governmental consideration of Charter
review, in anticipation of the Tenth Ses-
sion of the General Assembly when a
decision must be reached whether or not
to initiate the procedures of Charter amend-
ment.

The authors have no doubt that the
maintenance of genuine peace demands a
"disarmed world governed by law," and

that this in turn will require the acceptance
of world political institutions endowed with
supra-national authority. In contrast to
some other proponents of world govern-
ment, however, they believe that this trans-
formation should and can be achieved
through the established procedures for the
revision of the United Nations Charter,
and they assume the retention of the
United Nations as the basic framework
for world government. They anticipate
furthermore the continuance of national
states as important political units, but with
representation in the United Nations
weighted according to population and dele-
gates free to vote as individuals unin-
structed by their governments.

The most significant distinction between
the Clark-Sohn approach and previous
plans for world government is the clear
priority given to disarmament as an essen-
tial condition of world order. National di-
sarmament—universal, enforceable by United
Nations inspection and military forces, and
complete in all arms down to the limited
requirements of internal police—is held to
be the prerequisite for world government,
not its incidental by-product. In linking
disarmament with the strengthening of
United Nations authority, the one in-
escapably dependent on the other, the
authors have struck a note of realism

which has not been characteristic either of "revisionists" or of those who have extolled United Nations action in Korea and elsewhere as an effective practice of collective security. They cogently urge that the main features of a disarmament plan must be included in the Charter itself as "constitutional legislation" because, unless there is agreement *in advance* on this matter, there is no likelihood that any other Charter revisions will be accepted or indeed that any alternative arrangement could effectively provide for security. The futility of the eight years of disarmament negotiations which followed upon the failure at San Francisco to face the crucial necessity of taking decisive action *then* on the principles and machinery of disarmament bears out the position taken in the Proposals on this point.

How far this positive "realism" will convince those who make official policy decisions in the militarily potent states is questionable. The delusion that the key to security lies in massive national armament holds a strangely persistent power over the minds of men on both sides of the cold war, in spite of day-to-day demonstrations that weapons no longer serve as persuasive instruments either of physical defense or diplomatic strategy. Clark-Sohn nevertheless urge that theirs is a practical approach. They admit that adoption of Charter revision along the lines they suggest presupposes a general East-West political settlement. But they urge that their proposals for disarmament and for a monopoly of armed force in the United Nations, by providing assurance that the agreed terms will be enforced, will meet a basic condition for the negotiation of a general East-West settlement.

All else hinges on the validity of this expectation because the authors concede that the drastic reorganization of the United Nations they propose could hardly prove acceptable unless states—in the face of the danger of mutual annihilation if they pursued present security policies to their conclusion—were ready to think in realistic terms of how to get along together. Membership in the revised United Nations is to be universal and automatic for all states—and indissoluble. The General Assembly

becomes the unicameral legislative body of the United Nations, with broad powers to enact binding laws relating to questions of armament and security, to settle disputes, to tax and borrow, and to define and provide for the punishment of offenses by individuals against the Charter. The Security Council is abolished and an executive council is made the executive arm of the General Assembly and responsible to it. The "veto" is abolished and decisions in the General Assembly are reached by a majority of the representatives, voting as individuals. A bill of rights would safeguard the individuals against the violation of basic rights by the United Nations or anyone acting under its own authority, but would *not* attempt to safeguard him against acts by his own national or local government.

PHILIP E. JACOB

University of Pennsylvania

WARNE, J. D. *N.A.T.O. and Its Prospects*. (The Army Quarterly Series.) Pp. vii, 110. New York: Frederick A. Praeger. 1954. \$3 00.

As a member of General Gruenther's staff at Supreme Headquarters Allied Powers Europe, Wing-Commander J. D. Warne of the Royal Airforce is highly competent to speak on the development of the North Atlantic Treaty Organization and its prospects for the future. Like most British authors, he writes succinctly, confidently, and comprehensively, mellowed with intelligent qualifications to illustrate his mature reflections on the many imponderables involved. Whether he deals with the political structure and command organization of NATO, or with Soviet military power, with special reference to the Soviet build-up of strategic air power, Commander Warne speaks with authority and realism.

While advocating the development of NATO into a real political community, the author takes a dim view as to its possibility. He is convinced, however, that "habits of co-operative action" in various fields, taking place gradually under the pressure of day-to-day problems, may bring progress in this direction. He observes that one of the gravest problems has been the difficulty of ascertaining an equitable

"burden-sharing" of military costs, which mounts in intensity because of the disparities in the national wealth of the NATO membership.

Paradoxically, this provocative little volume tells us more about Commander Warne as a political analyst than as a military strategist. One of its strangest omissions is its failure to expound upon the strategic military concept that undergirds this unique military alliance—whether NATO is designed to fight a "total war" or a possible "brush-fire war"; what type of defense, mobile or static, is to be employed; what kind of offensive or defensive weapons will be utilized.

As a politico-statesman, the author declares his central thesis as follows: "N.A.T.O. could perform a useful role in the development of Western policy. . . . It is perhaps time that the generals should remind the politicians that diplomacy is too important a matter to be left to chance." Lest perchance the politicians have neglected their responsibility for postulating a positive political objective and commensurate policies, Commander Warne unhesitatingly offers his conceptual framework: "Containment as a policy is, moreover, clearly not enough. A basis would, on the other hand, already seem to exist for superimposing a long-term policy upon short-term requirements for military security. A basic task for the West, however, is to think out what the long-term objective really should be *vis-à-vis* the East-West cleavage itself, rather than any single aspect of it. The greatest need, and perhaps the most likely to go by default, is for open minds."

Commander Warne's open-mindedness is revealed when he attempts to hypothesize on the crucial issue as to whether Soviet hostility to the West is based upon Russian traditional national interest or upon Communist ideology that views capitalism and Communism as incompatible. His personal ambivalence on this point does not, however, detract from the fact that it is heartening to find a military man deeply concerned about political objectives and political methods. Our own Chiefs of Staff could well emulate this author's example.

ALFRED J. HORTZ

Western Reserve University

WORMSER, RENÉ. *The Myth of The Good and Bad Nations*. Pp. ix, 180. Chicago: Henry Regnery Company, 1954. \$3 00.

Mr. Wormser would have done better to have stuck more closely to his title. It is true that others before him have criticized the popular idea that the world is divided into inherently good and inherently bad nations. Still, it is worth while to expose once more the fallacies of this mode of political thinking, and the grievous consequences which it has spawned.

Mr. Wormser, rushing headlong in his journalistic chariot, is not content with so restricted a course. He swerves back and forth over the whole field of "revisionist" doctrine with a momentary pause for a flashback survey of post-Renaissance European imperialism. The revisionist critique of twentieth-century United States history and historians can be sufficiently serious, but it is unconvincing when packed untidily into a short, derivative book that argues by simple declarative sentences rather than by evidence.

Mr. Wormser, like some other revisionists, is simplistic. He finds unjustified our interventions in World Wars I and II. He explains the first as the result of the machinations of bankers and President Wilson. The second he pretty well reduces to the scheming of President Roosevelt. Things just aren't that simple, especially if we keep in mind the problem of possible alternatives.

Rightly rejecting the starry-eyed view of Britain and France as permanently "good" nations that are always trustworthy friends and allies, it is hard for Mr. Wormser, in spite of his disclaimers, to resist the temptation merely to substitute Germany, Italy, and Japan on his moral pedestals. He would solve our present tribulations through an alliance resting primarily on these three. He does not explain to us on what grounds he thinks Italy, with its massive Communist controlled parties, would be a firmer ally against Moscow than Britain or even France. He does not observe that today it is Japan, not Washington, that is coy about Japanese rearmament. Nor does he seem to realize how a "pro-German" European policy, with the perspective of the return of the "lost

colonies," might become the one factor that would consolidate Eastern Europe and Moscow.

JAMES BURNHAM

Kent, Connecticut

THORP, WILLARD L. *Trade, Aid, or What? A Report Based Upon a Conference on International Economic Policy at the Merrill Center for Economics, Summer 1953.* Pp. xv, 224. Homewood, Baltimore: The Johns Hopkins Press, 1954. \$4.50.

The title and subtitle accurately describe the genesis and nature of this book; it is a report based on eight weeks of discussions by experts of the topic "trade, aid, or what?" Nearly sixty men, recruited mainly from academic and government circles with a sprinkling of business men, contributed their ideas on commercial policy (that is, trade controls and tariffs), exchange rate policy (for example, fixed versus fluctuating exchange rates, problems of convertibility), or foreign investment policy (for example, role of foreign capital in the economic development, problems of increasing private and public foreign investment). The author, formerly Assistant Secretary of State for Economic Affairs, and now an economics professor at Amherst College, has not tried to present a consensus of opinion or even to summarize the areas of agreement or disagreement. He has instead attempted to outline the problems that were discussed and indicated the various considerations affecting each.

The result is a lucid and straightforward statement of a complex and difficult range of problems. Occasionally, the author expresses his own view of the directions in which a solution must be sought, but for the most part he confines himself to a thoughtful discussion of the ins and outs of the problems that come within his purview. Furthermore, this is done with only an infrequent reliance upon the special jargon of the professional economist. The result is a book that is recommended reading for every citizen who is interested in obtaining a better understanding of the international economic problems that give

rise to the headlines in our daily newspapers.

IRVING B. KRAVIS

University of Pennsylvania

MIKESELL, RAYMOND F. *Foreign Exchange in the Postwar World.* Pp. xv, 658. New York: Twentieth Century Fund, 1954. \$5.00.

Ever since the war of 1914-18 destroyed "a world payments system based upon sterling as the principal international medium and gold as the common regulator of national monetary systems," the "complexities and difficulties" of exchanging currencies across national boundaries have constituted a "most perplexing" economic problem, particularly so since the close of World War II. The subject has indeed been discussed in innumerable articles and official documents, but there has been no comprehensive investigation of it. Now Professor Raymond F. Mikesell fills the gap with the substantial volume under review. His study is the first detailed examination of trade and financial policies and practices, and currency and exchange controls as they have developed throughout the world in the postwar years. The author's remarkable enterprise merits the warmest praise, and the sustained lucidity of his writing will appeal to a wide audience of students and specialists.

Mikesell's work seeks 1) "to provide a better understanding of foreign exchange practices and policies since World War II" by bringing together information on the exchange control systems and international payments arrangements of more than seventy-five countries and evaluating the policies underlying the exchange practices as to their economic effect; 2) to formulate suggestions for dealing with disequilibrium and dollar shortage, the development of a code of fair exchange practices, and sterling convertibility, with the ultimate aim of attaining as high a degree of convertibility as possible among the currencies of the nations of the free world; and 3) to propose policies for the United States in dealing with this problem.

Because of limitation of space it is not

possible to summarize or comment adequately on the many aspects of the book. The following will therefore be limited to some brief remarks on Mikesell's opinion on the urgent problem of convertibility. The central conclusion of Mikesell's study is "that trade discrimination and exchange restrictions on current transactions are not only economically harmful, but they are responsible for a misallocation of resources which the free world can ill afford if it is to defend itself against internal and external aggression." Therefore, the one way in which western nations can preserve their strength in the cold war is to reduce trade barriers and restore freely convertible currencies among themselves. In this program, the author maintains that "the assistance of the United States would be crucial to the success of any convertibility plan which is likely to succeed. Such assistance would include a liberalization of U. S. trade policies, a substantial stabilization loan to the United Kingdom, and eventually, an additional subscription to the Monetary Fund."

However, as Mikesell correctly emphasizes, for convertibility to succeed it must be "undertaken gradually and through the cooperative action of Britain and the leading Western European countries." "It must be achieved by concerted action of the leading countries of the free world to create a system of universal multilateral settlements." In this respect, the author is at variance with the International Monetary Fund's individual country approach to convertibility, but his views are supported by all public authorities in western Europe. Thus, to cite only two cases, the recently reported agreement of the West German and British governments on a European convertibility plan pointed out "that the problem would have to be approached collectively and not by individual governments" while the *Nederlandsche Bank* declares in its annual report for 1953 that "from the technical monetary point of view, our country can thus be regarded as standing on the threshold of convertibility. But this certainly does not mean that it could cross that threshold alone."

ARTHUR LEON HORNIKER

Washington, D. C.

JENKINS, SHIRLEY. *American Economic Policy Toward the Philippines*. Stanford University Press. Published Under the Auspices of the American Institute of Pacific Relations. Pp. viii, 181. \$4.00.

The recent experience of the Philippines indicates clearly many of the difficulties faced by the newly independent states of the southeastern Asia region. The structure of every sovereign state must be underpinned by as stable an economy as possible, but, in this part of the world, the forces of history, geography and circumstance have generally fostered an economy which is relatively undiversified, relying for exports on handicrafts, foodstuffs and industrial raw materials of a narrowly limited variety. On the other hand, the thirst for the myriad products of modern industry has grown apace in every land. The consequence tends to be economic instability, exchange difficulty, and a publicly supported program of industrialization. Under such circumstances political and economic tensions multiply alarmingly and demand for their solution a level of statesmanship which is not invariably to be found.

In this respect, the economic history and problems of the Philippines deserve more attention than they have received. Here is the one area in this part of the world which is blessed with the combination of good agricultural land, many natural resources, and extremely low population pressure. Nonetheless, the record of the last three decades illustrates the great difficulty of expediting industrial development in a land long given over to another way of life.

In a sense, the carefully documented analysis of Mrs. Jenkins points quite properly to the responsibility of the United States in failing to help the Filipinos plan more effectively for economic independence. It is true that American guidance was impaired by a lack of clear-cut understanding as to the political future of the archipelago, and, as well, by conflicting economic pressures at home. It is also true that no other colonial power has undertaken this kind of planning. Even so, the fact remains that the United States, throughout most of its half century of political relationship with the Philippines, gave more

lip service than hard thinking to the implications of trusteeship.

Mrs. Jenkins has examined the economic record with great care and her account is lucid and well-balanced. Since economic policy issues in these days are seldom motivated solely by nonpolitical considerations, the political setting outlined in a lengthy introduction by Dr. Claude A. Buss is particularly helpful.

GRAYSON KIRK

Columbia University

MCNEILL, WILLIAM HARDY *America, Britain, and Russia: Their Co-operation and Conflict, 1941-1946*. (Survey of International Affairs, 1939-1946.) Issued under the auspices of the Royal Institute of International Affairs. Pp. xviii, 819. New York: Oxford University Press, 1953. \$15.00.

This significant piece of contemporary history dealing with the most critical period of the twentieth century was written at Chatham House by a young history professor at the University of Chicago. It is the most weighty contribution yet made by an overseas author to the *Survey* series.

In conformity with the established arrangement scheme of the *Survey* volumes the author divides his work into parts, chapters, sections, subsections and subheads. The first and longest part of the book (pp. 1-375) is the history of the two-year period (December, 1941-December, 1943) of "co-operation to fight the war." Therein the author has carefully compressed nearly all the history of those two war years. Nothing of importance is omitted; nothing extraneous is included. It is a sweeping survey of facts and figures, of military, political and economic planning on global scale. This period might be called the romantic period of the grand alliance. Each partner took some pains, at least in appearance, not to offend the others, though this conventional etiquette was often discarded by the late American President in some of his dealings with the British Prime Minister, especially at the Teheran Conference. Part II (pp. 376-565) deals with the period between Teheran and Yalta (December, 1943-February, 1945). Here again Mr. McNeill is eminently suc-

cessful in presenting a coherent and comprehensive narrative of the decisive fifteen-month period of the war during which most far-reaching and disastrous decisions were made. The division of Germany into occupation zones and the West's tacit acquiescence to the eventual loss of Eastern Europe and of the Balkans (except Greece) have their origin in this period. Part III (pp. 567-746) covers the period of "break-down of Allied co-operation" from February, 1945, to the end of 1946. Even though this period includes the birth of the United Nations, it is the period of disappointment and disenchantment, of frustration and failure. Part IV concludes with the author's "reflections and general observations" (pp. 747-68). There is also Appendix I listing major conferences and meetings, and Appendix II (pp. 772-89) on Lend Lease by Sir David Waley.

In this *magnum opus* Mr. McNeill has produced a thorough compendium of World War II, and therein lies its real value. As a contemporary history, however, the work is not without serious blemishes: it is seriously marred by the author's personal views. Towards the end he is clearly conscious of the fact that the high hopes of the West were shattered, but throughout his viewpoint is that no serious diplomatic mistakes were made by the leaders of the West, that most of the agreements arrived at on controversial issues were the result of mutual concessions, and if at times West's spokesmen conceded more to Stalin than what they hoped to receive, this was done partly for the sake of expediency and partly because they had no choice. Besides, "top-level negotiations were handled with extraordinary dispatch, even though it often happened that the concessions Stalin made were subsequently nullified by the failure of his subordinates to translate agreements into deeds" (p. 80). This seems to imply that Stalin worked under certain constitutional checks and balances. His acceptance of our proposed "compromise" on the veto question is considered, in all seriousness, a concession. His acquiescence to allow French representation on the Allied Control Commission in Germany is mentioned as another concession (p. 549).

In 1947 in his *The Greek Dilemma* Mr. McNeill did a good day's work and thereby earned deserved recognition. In the opinion of one reader this more important work does not measure up to the fine standard set in his earlier work. For a more balanced and realistic appraisal of events and forces during this period one must turn to Wilmot's *The Struggle for Europe* and General Deane's *The Strange Alliance*.

A. O. SARKISSIAN

Library of Congress

UNITED STATES GOVERNMENT AND HISTORY

BUCKLEY, WILLIAM F., JR., and L. BRENT BOZELL. *McCarthy and His Enemies: The Record and Its Meaning*. Pp. xviii, 413. Chicago: Henry Regnery Company, 1954. \$5 00.

With admirable forthrightness William Schlamm opens the Prologue by stating that Buckley and Bozell "have chosen to study and take sides in the most scandalous fracas of the century," so from the beginning the reader is warned that this report of the record is not without prejudice.

The book is remarkable for many reasons. Here is a presentation of an individual who, to quote Charles Murphy, "more than any other contemporary United States politician has made himself the excavator of political corpses, the rattler of skeletons, the resurrector of the past. Inevitably a man who works with such varied materials means many different things to the company that is for him."

Just what he means to these two young Yale graduates is never quite clear, because they never discuss McCarthy the man. Nowhere in this account do they give him any personality and background, any record of his own such as was published in the *Milwaukee Journal* some years ago. With the studied precision of tightrope walkers they restrict themselves to McCarthy's public utterances in connection with Communist infiltration of the Federal government.

In doing so they use a great many of the

Wisconsin Senator's well-known techniques. The volume is a hodgepodge of footnotes and citations, liberally sprinkled with italics, and backed up with six lengthy appendices covering almost fifty pages—a fitting counterpart of the fistful of confidential papers, the photostats, and the bulging briefcase that have such an important place in McCarthy's panoply.

These young men have a great deal of ability, and they have done a prodigious amount of work. That they are bewitched by McCarthy is evident. That they have no great admiration for him seems also true. Time and again they concede he has played loosely with the truth, that he "hadn't a leg to stand on," or even that "some of his specific charges were exaggerated, a few had no apparent foundation whatever." Yet this was unimportant in their argument. The Committee, the Department, the opposition were wrong.

Like the Senator, they appear to ignore the fact that changing circumstances alter men's decisions, that hindsight is vastly more prevalent than foresight, and that attitudes once right and just may seem ludicrous or even horrible ten years hence.

Why was this book written? Is it a spontaneous eulogy of the ism not the man? Though its 400 pages seem tedious beyond all hope of being widely read, only the naive would be impressed by such academic pyrotechnics. Surely politically informed readers will sense beyond this verbose collection of irrelevancies the pertinent facts that are a rightful part of the record.

JOHN SPARKMAN

United States Senator from Alabama

HANDLIN, OSCAR, ARTHUR MEIER SCHLESINGER, SAMUEL ELIOT MORISON, FREDERICK MERK, ARTHUR MEIER SCHLESINGER, JR., and PAUL HERMAN BUCK. *Harvard Guide to American History*. Pp. xxiv, 689. Cambridge, Mass.: Belknap Press of Harvard University Press, 1954. \$10.00.

Let it be said at the outset that here is a worthy successor to Channing, Hart, and Turner's *Guide to the Study and Reading of American History*, first published in 1896 and revised in 1912. Like the older

work, it is designed to serve as a teaching instrument and a bibliography, and, as such, it deals critically and analytically with the methods and materials of historical research, and provides, as well, valuable and detailed topical references within a chronological framework. Much that is covered treats of American cultural and intellectual developments, so that this is very definitely a work broad in conception, and, as it turns out, remarkably complete in execution. Like the old *Guide* it now supplants, and a brief *Harvard Reading List in American History* that appeared in 1949, it is destined to have a decided influence in its field and should prove a major stimulus to scholarly endeavor.

The greater part of the volume consists of reading lists, beginning with the prehistory of the continent and going down to 1952. Each topic is informatively outlined, and recommended general and special references, sources, and bibliographical aids are noted. In many instances, specific chapter citations are listed, and scholarly journals and state publications have been intelligently culled for pertinent articles and documents. There is an exceedingly useful 142-page author, title, and subject index.

In comparing the contents of the *Guide* of 1912 with the present work, it is clear how considerable is the newer emphasis in the study of American history and civilization. In the *Harvard Guide*, for instance, we find sections devoted to graphic materials, sound recordings, mechanical devices for copying manuscripts, and even suggestions for financing research. The numerous special bibliographies and manuscripts surveys made available since the 1930's, and duly recorded here, have opened up a wealth of primary sources to the ambitious researcher. As for the products of scholarship, the publications of the university presses alone over the past few decades have enriched the literature of the subject tremendously and blazed new paths for fruitful investigation. From art and architecture to transportation and travel, examples may be cited of how full and reliable the reading lists are. Some eighty-four pages of bibliography are devoted to twentieth-century America, and the book

and article references for the period 1941-1952 are commendably up-to-date. Not only has significant note been taken of all the new trends, but, in addition, much that was important in the old *Guide* has been retained.

As is inevitable in a work of this magnitude, there are some typographical slips and other errors (the full title, for example, of Channing, Hart, and Turner's *Guide* is incorrectly given in the very first paragraph of the preface). On the whole, however, this is a sound and painstaking job, a tribute to the enormous industry and erudition of the men who compiled it and an example of the high standards of the university which published it.

SIDNEY I. POMERANTZ

The City College, New York

DAVID, PAUL T., MALCOLM MOOS, and RALPH M. GOLDMAN (Eds.). *Presidential Nominating Politics in 1952*. Vol. I: The National Study; II: The Northeast; III: The South; IV: The Middle-west; V: The West. Pp xxii, 256; xi, 369; xi, 363; xi, 334; and xi, 298. Baltimore: Johns Hopkins Press, May 10, 1954. \$3.50 per vol. or \$17.50 per set.

These five volumes contain the net product of the most notable research project ever undertaken by the American Political Science Association. As early as November, 1951 the Executive Director of the Association got a plan adopted to make a comprehensive study of the election of the delegations to the Republican and Democratic National nominating conventions and of their activities before and during the conventions as well as the proceedings of the conventions as they occurred.

In due time several hundred members of the Political Science Association got busy on the field work of gathering pertinent matter about the delegations in each state. Grants of funds enabled Paul T. David, director of the project, to assemble a staff of specialists who, in collaboration with other political scientists, observed first hand the work of the delegations at Chicago and the proceedings of the conventions. Then the staff, in close cooperation with the Brookings Institution, assembled the rather inchoate mass of data expressed

in millions of words and began the arduous task of its organization, analysis, and interpretation and finally the writing of these volumes.

Only Volume I deals with the project as a whole. The others give the results of the field work by regions: The Northeast, The Middle West, The South, and The West. Here the case history of each delegation representing a state or territory can be found. Each of these regional volumes opens with a brief prefatory note giving key facts and a commentary followed by essays on the case findings of each state in the region, and each essay is concluded with a "review and appraisal."

Volume I, entitled "The National Story," is the most fascinating of the five. The foreword was written by Ralph Bunche, President of the American Political Science Association, who pronounced this "by far the most ambitious attempt undertaken to apply the case method to research in the field of politics." Paul T. David wrote the chapters entitled "The Presidential Nominating Process," "Procedures and Experience in the 48 States," "Basic Issues of Nominating Procedure" and "The Record and the Future" which closes the volume. Malcolm Moos wrote "The Pre-Convention Campaigns of 1952" and "The Republican National Convention," while Ralph Goldman collaborated with the other two scholars in writing the chapter, "The Democratic National Convention."

One of the most astonishing revelations of this study is the wide range of variations in the political process from state to state. Here is something that should reduce the propensity of politicians and commentators to make easy generalizations. At long last speculation can be tempered at least by a body of factual data, scientifically analyzed and evaluated.

Most important of all, we suspect, is the pause this study should give to the tendency of those unfamiliar with the social process to brush aside the national convention as an outmoded and unworthy institution. The scholars who produced these volumes made no categorical judgments, but between the lines this reviewer thinks he can read the conclusion that no foreseeable substitute for the convention can

provide the absolutely indispensable means of arriving at the party consensuses that the convention affords.

Here we can read: "A national primary would disregard the necessity for sectional, factional and group compromises that are the price of [party] union" while "the convention environment puts emphasis upon the process of compromise and adjustment through face to face negotiation. It brings representatives of every section and group together in one place, where they are required to think about the problems of the party from the national point of view."

These scholars have not said it, but out of the results of their labors there emerges this reader's convictions that the national nominating convention, growing naturally out of the folkways and mores of a politically gifted people, justifies its existence as an institution.

WILFRED E. BINKLEY

Ohio Northern University

CAMPBELL, ANGUS, GERALD GURIN, and WARREN E. MILLER. *The Voter Decides*. Pp. xiii, 242. Evanston, Illinois: Row, Peterson and Company, 1954. \$4.25.

This unique study of a presidential election was made in 1952 by the Survey Research Center of the University of Michigan, supported by a grant from the Carnegie Corporation of New York. We have here, as V. O. Key, Jr., says in his foreword to the volume, "the most impressive analysis yet made of a national election." In the past, the armchair generalizations of journalists about the meaning of an election have been just as valid as the off-the-cuff assertions of politicians. When, for instance, Ambassador Clare Booth Luce said, "The American people voted [in 1952] for a more dynamic and a more radical foreign policy," her declaration, though implausible, was on the evidence as good as the next one.

It is impossible in a brief review to mention all of the important findings of this study or to comment upon the scores of tables. It is notable, however, that the voters preferred the Democratic to the Republican party: "The Democratic party elicited more feeling, both of approval and

of disapproval, than the Republican party, with a net of greater apparent popularity." Communism in government was an issue of such slight interest to voters as to be barely statistically reliable in the responses. "More people made unfavorable comments about Eisenhower than about Stevenson" (45% to 35%). Why, then, did Eisenhower win? He aroused more enthusiasm among Republican voters than Stevenson did among Democratic voters; he was far better known, and enough Democrats voted for Eisenhower to turn the tide: "Had these 1948 Democrats stayed with Stevenson in 1952, General Eisenhower would not have gone to the White House."

In spite of all the campaigning, "About one in every three adults felt that it would make no difference [to the country] which party won."

If studies such as this could be made of future congressional and presidential elections, preferably in such form that the statistics are comparable, we would be on our way to a better understanding of American political behavior; we could take more and more of the guesswork out of political analysis. At any rate, nobody who writes or speaks about the 1952 election should be taken seriously if he has not studied this book.

DAYTON D. MCKEAN

University of Colorado

ZELLER, BELLE (Ed.). *American State Legislatures: Report of the Committee on American Legislatures*. Pp. ix, 294. New York: Thomas Y. Crowell Company, 1954. \$3.50.

Probably the best way to introduce comment on this report is to quote from the Preface. At the beginning of its study, the Committee established as objectives: (1) The collection of a body of factual data, to serve as a basis for recommendations; (2) the encouragement of the study of state legislative processes; (3) the stimulation of grants of funds by the legislatures to their own research agencies; (4) the enlisting of the help of various organizations in promoting state legislative reforms; (5) the encouragement of the establishment of a "citizen's clearing-

house"; and (6) the stimulation of "broader research in the legislative process with the assistance of foundation and government funds."

The first objective has been met—here is the report with the recommendations. One might say that the second objective bids fair to be realized. As for the rest of them, only time will tell if any one is "encouraged" or "stimulated." Actually there is a "citizenship clearing house" already in existence: it has different aims. However, if the 1313 group is regarded as a center for administrative research and integration, the Citizenship Clearing House, now located in New York City, could become a center for political (policy) study and encouragement. It is my own view that there should be close cooperation between those studying the political party system in the United States and those who have taken policy formation in legislatures as their province. We know that there are serious deficiencies in the party system which are closely involved in the entire legislative process. Dr. Zeller says, "The conclusion is clear that the state legislatures are poorly equipped to serve as policy-making agencies in mid-twentieth-century America."

Most of the data constituting the factual basis of the report is taken from the writings of political scientists and official documents emanating from state legislative councils and similar agencies. These sources have been supplemented by confidential questionnaires and the personal experiences of such Committee members as the late Professor Chamberlain and Dr. George B. Galloway, both of whom enjoyed many opportunities to study the legislative process at first hand.

All of those who have a genuine interest in state legislation (the politician, the enterprising citizen, the editor, the teacher, the student) will find much value in these rather economically summarized facts and opinions about legislatures. Obviously, in a book of less than 300 pages, none of these matters is exhaustively discussed. It is equally clear that a short review cannot find flaws in the presentation without doing injustice to the scholars who worked for four years gathering the information, con-

sulting about it and reducing it to statements which they felt were valid.

Briefly, this book urges more "delegation" of legislation and devolution of authority. Sympathetic consideration is given to proportional representation, unicameralism, objective and automatic redistricting and reapportionment, annual sessions, and various procedural and organizational reforms. The most important recommendation is the general one that legislatures be made more powerful, be given more work to do, and adequate facilities and prestige. It is to be hoped that this report will be carefully studied. Dr Zeller is to be congratulated for her part in this work. She will probably be happy if only some of the recommendations are adopted. Not all of them can be, but it is urgent that something be done soon about state legislatures.

ROY V. PEEL

University of Utah

BEALE, HOWARD K. (Ed.). *Charles A. Beard: An Appraisal by Eric F. Goldman, and Others*. Pp. xiii, 312. Lexington: The University of Kentucky Press, 1954. \$4.50.

In an era when the philosophy and the methodology of historical writing were being thoroughly revised, Charles A. Beard was a leader of change. *An Economic Interpretation of the Constitution* was a turning point in historical thinking when it appeared in 1913, and *The Rise of American Civilization*, written with his wife Mary Ritter Beard in 1927, applied the same principle of economic interpretation to the entire American story. If Beard had written only these two books, his place would be secure as the master who had succeeded in adapting the principles of modern economics to political problems and, with this instrument, had rewritten American history. His method uses the techniques of Marx and Hegel without becoming involved in the doctrinaire programs of Communism, fascism, or other "foreign" ideology. His patriotism remains unchallenged while he destroys the false idealization of the American "fathers." Then in 1934, he wrote *The Open Door at Home*, a "trial philosophy of national interest," and the implications of his ideas

as applied to foreign policy began to be felt. In 1939, two volumes of testimonial essays were projected in his honor. They were never published. Beard died in 1948.

This book, which is an appraisal (in the main, sympathetic) rather than a *Festschrift* in the ordinary sense, comes belatedly six years later. Instead of former students, its contributors are chiefly younger historians who have been influenced by the master, but reserve the right to be critical. Most are unhappy about Beard's isolationism of the later years, many take pains to emphasize the difference between his economic determinism and that of Marx. There is some inevitable overlapping in the discussions of various aspects of his thought and achievement. George R. Leighton finds himself in sympathy with perhaps the most generally controversial phase of the problem, Beard's foreign policy and the attack on Roosevelt; Merle Curti offers a gracious analysis of his historical criticism as revealed by his many reviews, and the editor of the volume, Howard K. Beale, gives a careful appraisal of his achievement as a historian.

But for the reader who wishes a fair and summary estimate of Beard's final place in history, Richard Hofstadter's "Charles Beard and the Constitution" is best. As the book on the Constitution is the key to Beard's thinking, this "placing of the ideas of the volume in their historical context" unlocks the larger problem.

Among other contributors are Harold J. Laski, Max Lerner, George Soule, and George S. Counts. A bibliography is supplied, but the book lacks an index.

ROBERT E. SPILLER

University of Pennsylvania

BUDENZ, LOUIS F. *The Techniques of Communism*. Pp. ix, 342. Chicago. Henry Regnery Company, 1954. \$5.00.

At long last we have a basic textbook on the theory and practice of Soviet Communism by one who knows what he is talking about. Louis Budenz's new book is must reading for all those who profess to know anything about Communism. It should prove invaluable in courses on Communism not only in schools and colleges, but also in community study groups.

There has never appeared such a superb analysis of Communist techniques, from both the theoretical and practical point of view, particularly as they apply to the United States. It is incumbent on political scientists who have been critical of congressional investigations of subversion to read this book with an open mind.

A few of Budenz's more striking observations deserve quotation: "It is precisely the ability of a small group, the vanguard, moving in a strictly disciplined manner and under concealment, into non-Communist organizations, that makes Communist activity so effective." "Every move by the United States in the international scene which is based on appeasement containment, or accommodation... is therefore futile." "It has been the disbelief that anyone rich or educated could be Communist-minded, which has caused such havoc in American thinking." "The constant reiteration of 'civil liberties' is a ready made device to gather the largest support against any effort to curb the conspiracy." "The Red functionary or member never reads a Communist article merely to get information. He always looks for the order that is given by it." "The strength of the Red press . . . lies in . . . prevail(ing) upon non-Communist organizations to speak out for the Kremlin's position at any given time." This latter statement is documented in the cases of the Korean truce, attacks on Rhee and Chiang, and attacks on committees investigating subversion.

Of especial concern to thinking Americans is Budenz's statement that "the Soviet fifth column in this country has not made as much headway among the working people as among industrialists, educators, and other professional groups." The author's presentation of quite a few case histories documents the charge. He indicates that a little house cleaning is in order for the double standard academicians who stoutly opposed fascism but today insist on accommodating Communism.

The most important single quotation in the book is especially good food for thought as of the moment: "It is the *records* of pro-Communists in education, government, or other agencies which should be pri-

marily considered, and not whether technically they can be proved to be Communists. If those records reveal a consistent aid to Soviet Russia, its fifth column here, and its fronts, then these individuals are enemies of the United States and should be recognized as such."

ANTHONY T. BOUSCAREN

Marquette University

BLUM, JOHN MORTON. *The Republican Roosevelt*. Pp. viii, 170. Cambridge, Mass.: Harvard University Press, 1954. \$3.50.

Having completed his monumental work as one of the editors of the eight-volume *Letters of Theodore Roosevelt*, Mr. Blum has endeavored to distill his findings and thought concerning the role of Theodore Roosevelt in the American political tradition. The result, *The Republican Roosevelt*, is neither a biography nor a complete account of Roosevelt's public career; it is instead, as the author explains, "an interpretation of the purposes and methods of that career."

Such a study has long been badly needed. Under the impact of *The Letters of Theodore Roosevelt*, historians have begun to examine their old glib assumptions and to see Theodore Roosevelt as one of the most important as well as one of the most fascinating individuals in American history since the 1890's. Mr. Blum's discerning book is such a literary *tour de force* and achieves its objectives so successfully that it will at once give impetus to the campaign to re-evaluate Roosevelt and take high rank in the literature of recent American history. It is all the more important, therefore, that we assess the author's accomplishments and note the limitations of his work.

In general, Mr. Blum has painted the whole Roosevelt—the man of extraordinary personal warmth and political wisdom as well as the impulsive adolescent so vividly depicted by earlier biographers. But the author has chosen to emphasize two important and usually neglected aspects of Roosevelt's career and contribution—his virtuosity as a political leader and the conservatism that underlay his theory and practice of government.

Mr. Blum proves beyond cavil that

Roosevelt the politician was shrewd, resourceful, and before 1912 successful—in fact, that he ranks with his cousin and nephew-in-law among the great politicians in American history. There was the way in which he used the patronage and personal influence to gain control of the G. O. P. and name his successor, for example, or the way in which he maneuvered to obtain passage in 1906 of the Hepburn railroad measure, in spite of the opposition of powerful interests that heretofore had controlled the party.

In evaluating Roosevelt's basic conservatism—his distrust of violent solutions, his sense of continuity, and his obsession for controlled change as an alternative to revolution, Mr. Blum has made a second important contribution. This reviewer would suggest, however, that he has ridden this theme so hard as to obscure another and equally important Roosevelt—the man who grew in political thought and became a prime, if not the most important, public champion of the modern progressive doctrines that culminated in the New Deal and Fair Deal legislation of our own time.

Mr. Blum does not ignore, but he does fail to give sufficient weight to this contribution. Moreover, he does not sufficiently emphasize the impact on American political practice of Roosevelt's other great contributions—his emphasis upon leadership and efficient administration. In brief, this reviewer would suggest that Roosevelt's contribution was considerably more important than Mr. Blum has indicated.

Mr. Blum's final chapter shows Roosevelt out of power from 1909 to his death in 1919. It is a sort of case study in failure and frustration, and the story that the author tells is not a happy one. Everything that he says is true, but again he overlooks the contribution that Roosevelt made to Wilsonian reform and to the movement to prepare America to play a leading role in world affairs.

However, these are minor criticisms. We must be grateful to Mr. Blum for giving us one of the liveliest, best-written, and most thoughtful books in American history during the year.

ARTHUR S. LINK

Northwestern University

LEOPOLD, RICHARD W. *Elihu Root and the Conservative Tradition*. Pp. x, 222. Boston: Little, Brown and Company, 1954. \$3.00.

This is a dispassionate account of a dispassionate man. The author is Professor of History at Northwestern University. The volume is one of the Library of American Biography series, which aims to portray each subject "as neither the maker nor the product of his times, but instead seeing each as a force reacting on the other."

It is in this context in which Elihu Root's long and selfless career is treated, thus furnishing a different type of contribution than Professor Philip C. Jessup accomplished in his superb two-volume biography. The author achieves objectivity and readability in weaving his way through the many turbulent issues and events with which Root was intimately associated and on which he left his imprint. The book is well organized and contains a good discussion of the many sources used.

Professor Leopold correctly writes off the first fifty-four years of Root's life as of "minor importance," and measures his contributions from the time he joined McKinley's cabinet as Secretary of War in 1899. One might question the very high rating which the author accords to Root for smoothing out the administration of an efficient colonial system at the turn of the century. The author indicates that for this work Root "receives some credit but little glory." Due credit is given to Root for his pioneer work in creating the General Staff and firmly reasserting civilian supremacy. The author throws fresh light on a little-known aspect of Root's career—his tireless work to strengthen the frayed bonds of friendship with Latin America, for which Root deserves to be remembered as an outstanding precursor of the Good Neighbor policy. Wilsonians may quarrel with the author's sympathetic analysis of Root's conduct during the Great Debate over the League of Nations. Most observers would agree with the author on Root's contributions to international arbitration and his influence in making this country aware of its stake in Europe and Asia.

Some of the most interesting parts of the book deal with the development and application of Root's conservatism. The author concludes: "As the unending battle between liberalism and conservatism surges into the future, the cause of the latter could benefit from a little more daring, imagination, and faith in the people than Root was able to contribute, but it can never do without his integrity and fair-mindedness, his intelligence and good humor, his intuitive judgment and mastery of the facts, his respect for efficient administration and insistence upon balancing power with responsibility."

There is only one significant omission in this book. The author claims that "this book is designed to acquaint the general reader with the significance of Root's public service and its meaning for today." The conservative tradition today has become tarnished by its pussyfooting approach to McCarthyism, an approach fostered and encouraged by the leading conservative of this generation, the late Senator Taft. It is unfortunate that American conservatism in 1954 does not have an Elihu Root to lead the battle for the traditional liberties which are being trampled.

KENNETH W. HECHLER

Washington, D. C.

EATON, CLEMENT. *A History of the Southern Confederacy*. Pp xi, 351. New York: The Macmillan Company, 1954. \$5.50.

American historical literature has long and conspicuously lacked a balanced one-volume history of the Southern Confederacy. The military record, to be sure, had been treated in detail by a number of writers; but the civilian record awaited basic research. By 1950, this research had been done, and E. Merton Coulter was thus able to achieve the first full-scale history of the home front, but he sacrificed overall coverage by crowding the military narrative into a single chapter.

Clement Eaton's study may be described, therefore, as the first concise general history based upon modern research. In such a book, proportion, fairness, and thoroughness are especially to be desired, and Pro-

fessor Eaton displays all three qualities. He presents many topics in very limited compass, but with judicious inclusion of essential information and with the kind of basic explanation that the hopeful reader does not always find in closely-digested accounts. The character sketches of the chief military leaders perhaps suffer somewhat by their brevity, but in general the book gains by its conciseness.

The author has also maintained a discriminating impartiality in his treatment of controversial questions both between North and South and within the Confederacy. For instance, he holds that southerners were justified in fearing that, in ultimate terms, the North threatened their way of life, but he also believes that Lincoln's purpose in sending the Sumter expedition was not aggressive. Or, with reference to Jefferson Davis, he recognizes the confederate President's many defects but points out that "his greatest service . . . was his selection of superior officers from the very beginning."

Most writers, when undertaking to distill and integrate a large body of monographic and periodical material, would feel no responsibility to add research of their own, but Professor Eaton has used manuscript sources very effectively—especially the highly-illuminating papers of Katherine Ann Edmondston and Robert Keen. He has combined this new material with his printed material so well that any criticism is, perhaps, captious. I, personally, wish that he had recognized the value of Clifford Dowdley's *Experiment in Rebellion* and that he had emphasized more the division between the upper South and the lower South just before Sumter. Various readers will perhaps wish for changes of emphasis at various points. This is inevitable. But no one is likely to question the sound craftsmanship, the admirable conciseness, and the justice, both in matters of proportion and in matters of treatment, of this valuable history.

DAVID M. POTTER

Yale University

HYMAN, HAROLD MELVIN. *Era of the Oath: Northern Loyalty Tests During the Civil War and Reconstruction*. Pp.

xiv, 229. Philadelphia: University of Pennsylvania Press, 1954. \$5.00.

The title of this book was suggested by an address delivered by Alan Barth to the American Association of University Professors. Mr. Barth hazarded the guess that historians of the future would refer to our troubled and suspicious times as "the era of the oath." Professor Hyman believes, with much justification, that the same phrase can be applied with equal accuracy to the Civil War and Reconstruction periods.

This work, a doctoral dissertation at Columbia, is another of the books appearing in the last few years that have dealt with relatively unexplored research fields in Civil War and Reconstruction history: medicine, ordnance, and legal and constitutional developments. The gaps in our knowledge of these areas are slowly being closed by the efforts of people like Mr. Hyman. His book is a welcome companion piece to J. T. Dorris' recent volume on pardon and amnesty. Together they provide a new and authoritative account of the constitutional aspects of the Civil War and its aftermath.

In the years of which Professor Hyman writes, and apparently also in our years, the dividing line between loyalty and disloyalty was vague and was often confused with the line between conflicting political opinions. That is, an unpopular opinion was sometimes defined as disloyalty. The great difficulty was, as the author shows in his descriptions of test oaths being administered to civil servants, military personnel, jurors, lawyers, and a host of others, that nobody knew how to define loyalty and nobody knew how to frame an oath that would measure loyalty. Most of the oaths of the period and especially the famous ironclad oath, to which Mr. Hyman rightly devotes most of his attention, required that the swearer not only promise good conduct in the future but pledge that he had done nothing wrong in the past.

The motive back of the wartime oaths was legitimate enough, but in the Reconstruction period they were used frankly by the Republicans for partisan purposes. It is the author's conclusion that the oaths

failed to identify the disloyal and might as well never have been created.

Professor Hyman has written a sound book based upon solid research. For this he deserves commendation. The general excellence of the work is marred by careless proofreading and by fuzzy identifications of the characters. As examples of the latter, on page 125 a mysterious "Sheridan" is quoted. Only by turning to the notes in the book can the reader learn this is General Philip Sheridan. On page 145 Samuel S. Cox is introduced as the leading opponent of test oaths. Four pages later he is introduced again at greater length and rises to the dignity of Samuel Sullivan Cox.

T. HARRY WILLIAMS

Louisiana State University

CATTON, BRUCE. *U. S. Grant and the American Military Tradition*. Pp. x, 201. Boston: Little Brown & Company, 1954. \$3.00.

Even the notable success of Mr. Catton's trilogy on the Army of the Potomac will hardly have prepared his readers for this superb little volume in which the triumphs and failures of Grant's career are presented not only as a means to understand the man and his profession, but as clues to the inner secrets of the American character. A soldier against his will, Grant was able to achieve success only in two wars which he believed should never have occurred. But, contrary to the popular impression, he was an intelligent and articulate commander, a master of speed and finesse who had learned his trade soundly. From the Mexican War he obtained a grounding in logistics. In the first year of the Civil War he completed his education. He learned not to overestimate the enemy, McClellan's besetting sin; and, at Shiloh, not to underestimate him, a shortcoming that much later ended the military career of our most spectacular recent commander.

But military experience not only failed to qualify Grant for the presidency, it served actively to disqualify him. Handicapped by the professional soldier's awe of Congress, of men of wealth, and by the habit acquired in wartime of accepting presents from grateful civilians (starting

with the cigars to which a reporter at Donelson had erroneously declared him to be addicted), he not only failed but to a degree was disgraced. Only at the end with bankruptcy and inoperable cancer in his path did he rally for one last heroic victory before the dark closed in. Keeping himself painfully alive by an exercise of will he wrote the *Personal Memoirs* that left a fortune to his family and rehabilitated his reputation.

In this first volume to appear of the new Library of American Biography edited by Professor Oscar Handlin of Harvard, Mr. Catton proves beyond question his competence to complete the definitive biography of Grant begun by the late Lloyd Lewis. In his preface Mr. Handlin calls attention to present day parallels.

WOOD GRAY

George Washington University

ECONOMICS AND INDUSTRY

ROOSE, KENNETH D. *The Economics of Recession and Revival: An Interpretation of 1937-38*. (Yale Studies in Economics, Vol. 2.) Pp. xi, 280. New Haven, Conn.: Yale University Press, 1954. Price \$4 00.

Dr. Roose has made a careful study of the short but sharp depression of 1937-38 which interrupted so alarmingly the recovery of the thirties. He uses mainly the tools of national income analysis, interpreting the movement of national income in terms of its three major components: household consumption, private investment, and government expenditure. His main conclusion is that the government and investment sectors, rather than the consumption sector, were responsible for the decline. The decline in the government contribution was associated directly with the rise in government cash receipts as a result of the introduction of social security and the consequent reduction of the cash deficit to zero. The decline in investment is associated with a decline in profits, and is further attributed to various unfavorable factors such as a rise in costs,

the hostility of government to business, the undistributed profits tax, and the trauma produced by the recent Great Depression.

There is an extensive discussion of the various theories and opinions which have been put forward concerning the episode, which points towards a certain lack of unanimity among professional opinion. The evidence which the author presents in support of his main thesis, though not conclusive, is certainly impressive, and his general point of view that depressions are not to be regarded as part of a regular cyclical phenomenon, but that each depression is in an important sense unique and must be analyzed with the tools of national income analysis, is one with which the reviewer has much sympathy.

It is in a study of this sort, however, that the weaknesses as well as the strengths of national income analysis emerge. The principal weakness seems to be the absence of any adequate over-all view of the causes of distributional shifts. In particular, the absence of any adequate explanation of the decline in profits in 1936-37 is a marked defect of the study—a defect, however, which reflects the present state of received economic theory. To attribute the fall in profits to a rise in costs, as Dr. Roose seems to do, surely merely states the problem in other words.

The style of the work betrays its origin in a Doctor of Philosophy thesis. One sometimes wonders if the main function of a doctoral committee is not to remove any trace of humor, lightness, or interest from the work. The presentation of the data is not always done in a way that makes it easy for the reader. Nevertheless, a great deal of interesting material has been collected, and one hopes that Dr. Roose's interest in this area will inspire him to continue a similar type of analysis for other depressions because the value of this type of study grows by the availability of comparisons.

K. E. BOULDING

Ann Arbor, Michigan

GROSS, BERTRAM, and WILFRED LUMER. *The Hard Money Crusade*. Pp. xiv, 178. Washington: Public Affairs Institute, 1954. \$2.00.

Here we have a throwback to the eighteenth-century tradition of pamphleteering in political economy. This little book combines the lively and sometimes vituperative style of campaign oratory with a scholarly treatment of a serious economic problem—the role of interest rates and credit restrictions in the control of inflationary booms.

Such attempts are to be encouraged, although this particular volume is less an outstanding success than a dive between two stools. It contains too much economics for *Boobus Americanus*; but the economics is not quite of specialist quality.

Hindsight makes it easy to argue that the Eisenhower Administration was wrong to inaugurate a "Hard Money Crusade" by tightening credit and raising interest rates in the Spring of 1953. (The Administration reversed its policy in the summer.) But when one looks at the figures for the fourth quarter of 1952—a sudden rise of \$7.2 billion in consumption and another rise of \$5.6 billion in private investment (seasonally adjusted annual rates)—it seems a pardonable error to have concluded that more inflation was in the offing, and to have acted on this conclusion.

But Gross and Lumer are not concerned with this mundane problem of timing and forecasting. Their thesis is the broader and bolder one that tight money should never, *never*, NEVER be imposed on an economy regardless of price movements, and that only wicked men on Wall Street can possibly think otherwise. An introduction, a foreword, and a preface (by Dr. Dewey Anderson, Rep. Wright Patman, and Prof. Seymour E. Harris) serve mainly to underline these points.

The supporting case is part of the orthodoxy of the Fair Deal, with which both the authors were associated for considerable periods. Its Point I is essentially this: Money, credit, and interest rates cannot be used in controlling inflation. In small doses they do no good, and in large doses they kill the patient by provoking depressions. There is nothing in between. Point II of the supporting case is essentially this: The aim of financial policy should be continuous full employment, and

economic growth at the maximum possible rate, with prices controlled directly if they get out of hand.

A brief review is not the place to argue Point I, although I suspect that it implies a highly peculiar (discontinuous) relationship between interest rates and other economic variables. Point II is a matter of choice rather than of economic analysis. Gross and Lumer, however, either fail to see the full implications of their system or fail to be candid in presenting it. Under this system, the threat of unemployment and underproduction will no longer be effective in restraining the wage and price demands of organized labor and the farm bloc. The financial authorities are to guarantee full employment and production, whatever wages and farm prices may be. In such a case, the economy will require something like permanent price controls to prevent a runaway inflation. These controls will presumably operate largely to force the business group to pay wages and farm price increases out of profits, instead of passing them on to the consumer. We need not argue whether such a system is or is not "socialism," or whether the resulting income distribution would be more or less "equitable" than the present one. Our points are only that major institutional change is implied by Fair Deal monetary philosophy, and that it is less than completely frank to conceal the implication from the reading and voting public.

Academic discussions of the criteria of monetary policy usually omit bank profits as unclean and unworthy. They are a little like Victorian anatomy textbooks, with the reproductive system omitted. Bank profits can be an important factor in determining monetary policy, as economists with Treasury or Federal Reserve experience can testify. Gross and Lumer have done a service in stressing the financial community's interest in dear money, although they have gone to the opposite extreme (like an anatomy 99 44/100 per cent sexual) in ascribing the "Hard Money Crusade" to Wall Street and its Washington agent, Mr. Randolph Burgess. Students will also find the statistical appendices useful, especially where they assemble in one place data on

money rates not easily obtainable elsewhere.

M. BRONFENBRENNER
University of Wisconsin

SUNDBORG, GEORGE. *Hail Columbia: The Thirty-Year Struggle for Grand Coulee Dam*. Pp. xvii, 476. New York: The Macmillan Company, 1954. \$5.75.

Between the covers the reader will find three fascinating and important stories.

First there is a detached recital of the myriad steps, some of them heart-rending, made inevitable by our democratic ways in building the world's most powerful power plant. With a capacity of two million kilowatts it is the biggest one-piece structure ever built by man. The crusade for this public improvement began with an idea, pure and simple, entertained by only a few unlettered but loyal souls who believed that the Columbia's mighty flood could and should be harnessed for the service of man. The vision of pouring these limitless waters through irrigation works over two million acres of fertile but thirsty land provided the boundless enthusiasm which put through a plan over a thirty-year period which any gambler would have rated as not better than one in a thousand.

Secondly, threading through the book, the author has given us a graphic and carefully annotated story illustrating the tragic part electric power politics plays in the life of our people. There is no other place where the details of the techniques used by the commercial electrical industry in seeking to have its own way, regardless of what may be the real public interest, have been so adequately described. The test for an electrical enterprise should be the efficiency with which the property is operated, not who owns it. But at times it seems as if a publicly owned system may be the only way by which we can escape private power company conniving and lobbying.

But thirdly, and by all odds the most unique feature of this book, is the moving delineation of the towering figure of James O'Sullivan, without whose indefatigable and wholly competent labors the project would have been neither started nor completed.

O'Sullivan was a model servant of the Republic. He had character to burn and an integrity always evident. He avoided being chummy with the opposition but always held their respect. He never let up, sought always to keep one step ahead of the opposition whatever it might be, and had no vestige of personal interest which had to be safeguarded. Without a formal engineering education he always seemed to turn up with unanswerable arguments. In these days of fabulous compensations for recent technical graduates, one stands in respectful awe of one who kept going with or without food and enduring privations of all manner of things which most humans consider essential. He won and kept the confidence of those he most cared about. The author wisely dedicates his book

To
All Jim O'Sullivans
whatever their names and causes.
MORRIS LLEWELLYN COOKE
Philadelphia, Pa.

GOULDNER, ALVIN W. *Patterns of Industrial Bureaucracy*. Pp. 282. Glencoe, Ill.: Free Press, 1954. \$4.50.

This case history in industrial sociology offers a satisfying balance between theory and concrete factual observations. The starting point is Weber's recognition that norms in a bureaucracy "may be established by agreement or imposition." Gouldner hypothesizes that differences in the source of rules, the values which legitimate them, and the status of those whose interests are affected by them lead to significant differences in the way the system operates.

Working with a team of students, Gouldner observed the operation of a gypsum mine and factory. (An appendix describes the field work procedures, among which a partially nondirective interview played a large part.) They found impressive differences between an earlier, indulgent, flexible administration, and the regime of the successor whose suspicion that men might be loafing led to efforts to tighten up and to check up. Gouldner explains why such efforts were inaugurated in the factory but not in the mine, where a stronger tradition of independence prevailed.

From the analysis emerge three types of bureaucracy:

(a) "*Mock*" *Bureaucracy*, in which rules are imposed upon the group by some "outside" power; *neither* management nor workers want these rules and they are not enforced. The "no-smoking" rule was of this type.

(b) "*Representative*" *Bureaucracy*, in which *both* management and workers want the rules; both see value in them; both cooperate in enforcing them. Some safety rules are of this type.

(c) "*Punishment-centered*" *Bureaucracy*, in which *either* management or workers initiate the rules while the other group does not recognize them as rational, necessary, or legitimate. One party enforces; the other evades. In this company, a system of open bidding for jobs higher up was forced on a reluctant management by the union.

Weber's concept of bureaucracy as based on recognition of the expert role accords with Gouldner's representative bureaucracy, although it is inadequately defined in terms of the expert only; his concept of authoritarian discipline in democracy arises from Gouldner's punishment-centered "type."

Bureaucratic measures do not arise, as some earlier writers have implied, simply for the welfare of the institution as a whole. Rules function to reduce certain tensions for certain people in one or another status. This more differentiated analysis is the significant step which Gouldner takes.

The book reads easily. Direct quotations keep the atmosphere of realism. The theoretical discussion is fairly simple. Undergraduates should have no trouble with it.

GOODWIN WATSON

Columbia University

HOYT, ELIZABETH E., MARGARET G. REID, JOSEPH L. MCCONNELL, and JANET M. HOOKS. *American Income and Its Use*. Pp. xxi, 362. New York: Harper & Brothers, 1954. \$4.00.

This volume is one of the series on "Ethics and Economic Life" sponsored by the Federal Council of Churches. This

sponsorship helps to account for the very considerable space devoted to ethical aspects of consumption trends and differentials

Part I, by Elizabeth E. Hoyt, treats various aspects of "The Ethics of Consumption." Part II, by Margaret G. Reid, deals with "Distribution of Income and Consumption" and presents the principal statistical materials in the book. Part III, "The Changing Family and Its Dependents," by Joseph L. McConnell and Janet M. Hooks, indicates the ways the changing size and kinship structure of the family affect consumption. Part IV consists of a "Conclusion" by Elizabeth E. Hoyt, and Part IV, which paradoxically follows the "conclusion," presents comments by Walter G. Muellder on "Ethical Aspects of Income Distribution and Consumption."

The book is primarily intended for the general reader, rather than for specialists in the economics of consumption, family sociology, or social stratification. Its usefulness to the specialists is likely to rest solely on the circumstance that it provides some bridges among these fields.

Aside from the obvious circumstance that a book by many hands will be uneven in style and somewhat inconsistent in point of view, one additional critical comment is in order. In virtually all of the textual and appendix tables relating to Part II, the author has failed to provide summary or total figures appropriate to the statistical universe that the tables describe in terms of various categories. This lack of tabular tidiness is not uniformly unfortunate, but occasionally does make the data difficult to interpret.

WILBERT E. MOORE

Princeton University

JONES, LAWRENCE A., and DAVID DURAND. *Mortgage Lending Experience in Agriculture*. Pp. xxii, 248. Princeton, N. J.: Princeton University Press, 1954. \$5 00.

This study is the result of co-operation between the National Bureau of Economic Research and the Bureau of Agricultural Economics of the United States Department of Agriculture. It is a well documented readable account of mortgage lend-

ing experience for farms in the United States with emphasis on the period between World Wars I and II, although the introduction briefly summarizes appropriate data since 1800 through 1953.

The authors have no axe to grind or thesis to prove. They let the forty-nine tables and thirty-nine charts tell the story with careful analysis pointing out the limitations of each set of data. The volume is especially valuable to those responsible for the investment policies of banks and life insurance companies.

However, the book will interest the thoughtful general reader who often wonders whether to be annoyed at pressure groups in Congress who may be making it possible for even inefficient farmers to get rich, or whether to remind himself that food at stable prices is the most vital single need of all human beings, not only farmers. Part I covers farm mortgage distress by areas and gives state data so that each reader may see how his state compares with others. Part II covers farm mortgage distress by individual farm organization. The conclusions are, as would be expected, that farm mortgage distress is due to many causes—each carefully analyzed. The stepped-up agricultural production during the two world wars of course set the stage for trouble, but many contributing factors added to the distress.

One complication which is a characteristic of American agriculture is the fact that real estate speculation has been tied in with farming. Farm land has been purchased not with an eye on its productivity, but with the expectation that price per acre would rise along with the general price level. In addition the decentralization of metropolitan areas has created the "farm" which is primarily a residence and whose value does not lie in its productivity.

The reader puts down the book with increased respect for the complexity of the problems faced by the farmer and his financial backers who have to forecast long range price levels, and allow for the hazards created by nature in weather and pests as well as man-made hazards such as technological changes.

NAOMI RICHES

Social Security Administration

JENSEN, VERNON H. *Nonferrous Metals Industry Unionism, 1932-1954: A Story of Leadership Controversy*. (New York State School of Industrial and Labor Relations, Cornell Studies in Industrial and Labor Relations, No. 5.) Pp. xv, 328. Ithaca, New York: Cornell University, 1954. \$4.00.

To those who have read Professor Jensen's *Heritage of Conflict*, the present volume continues and brings up to date part of the story of the earlier work—that of the union itself, and touches only incidentally on labor-management relations. For those who are unfamiliar with *Heritage of Conflict*, the new volume stands as a self-contained piece of writing. For here is the story of the International Union of Mine, Mill, and Smelter Workers, descendant of the Western Federation of Miners, a union of militant workers, proud of their democratic ways and faced nearly always with bitter employer opposition, rising from the ashes of depression only to succumb to an unwanted Communist domination. Carefully, and step-by-step, Professor Jensen shows how the machinery of democracy is captured and manipulated by a small minority. Playing on the vanity of some leaders, and on the fears and ambitions of others, the disciplined single-purposed minority slowly and surely, and despite temporary setbacks, takes over the lines of communication between member and union, brings in seemingly innocent outsiders to fill key staff positions, and soon the simple unionists find themselves enmeshed in a web. Physically and mentally they are surrounded by a group which meets with Communist party functionaries to take orders and plan strategy. And when the Executive Board meets, the unionists find not discussion and persuasion ahead of them, but a solid pre-determined front already under orders on every matter.

The awakening is not only rude, but too late. The unionists are neither united nor disciplined. The whole official machinery of the union is thrown against them. By now the Communist officials are *the* union, and the fight in which the anti-Communists need help from the Congress of Industrial Organizations and other unions is hampered by all the niceties of inter-union courtesy,

consideration of international autonomy, and so forth. Secession seems to be the solution, but secession to a variety of other CIO unions still keeps the anti-Communist hard rock miners separated, and leaves MMSW even more firmly in the captor's hands. And it is here that Professor Jensen scores the failure of the CIO. It is notable that the only real success of the CIO in fighting the expelled unions has been in the electrical field where money and men went into a new and separate union—the International Union of Electrical Workers—and where local leadership was utilized effectively. By contrast, the attempts in the non-ferrous metals field have been little more than a series of fumbles.

There is, of course, much more to the story, as Professor Jensen elucidates. Paradoxically, but as others have also pointed out, the long employer tradition of crying "Red" at every militant unionist has inured the MMSW members to the point where the accusation is taken as meaningless. And now, as Jensen also points out, the employers prefer the MMSW to a much better heeled and stronger union such as the Steelworkers.

This is a fascinating account, necessarily in detail, for it was by attention to many seemingly unimportant details that the web was spun. And when the victims began to struggle, it became clear how well the Party had done its job.

HERBERT J. LAHNE

Washington, D. C.

DEARING, CHARLES L. *Industrial Pensions.*

Pp. x, 310. Washington, D. C.: The Brookings Institution, 1954. \$3.75.

The persistent quest for economic security in old age is nowhere more clearly manifested than in the industrial pension movement of which the present volume is an up-to-date description and analysis.

The author's purposes are clear. He seeks, first, to appraise the industrial pension method of providing money income for retired workers as (1) a means of solving the problem of old-age security, (2) a method of supplementing federal social security benefits for those covered by that program, and (3) a minimum guarantee of income for the workers involved.

A second principal purpose is to measure the financial impact of such pension programs both on industry and on the economy in general. The final purpose is to weigh critically the basic economic and social issues that emerge from the industrial pension movement.

Within the framework of these major objectives, the first three chapters review the economic and social problems characteristic of an aging population and the traditional distribution of responsibility for solving these problems. The following three chapters analyze the principal factors and forces responsible for the accelerated growth of the industrial pension movement in recent years, describe the structure and functioning of pension plans, and project estimates of the number of industrial workers who may eventually be covered under such a program and the amount of money required annually to support the program. The balance of the study comprises a presentation and evaluation of the basic economic and social issues which may emerge if the industrial pension program develops as indicated in the author's analysis.

Through carefully reasoned analysis, amply supported by statistical data and other quantitative evidence, the author presents the inescapable economic burden which is rapidly issuing from an increasingly large aged population produced by increasing longevity, the inadequacies of a non-contributory pension system, the deficiencies of all plans which contain no vestment of rights for the workers and only insufficient financial protection for the corporations involved, and the urgent need for a reappraisal of the whole industrial pension system in relation to the federal security program. The author's findings indicate with unmistakable clarity that the primary responsibility for the provision of old-age security is a joint responsibility of government and the individual, but that in the development of old-age income industrial management has a major role to play.

This study is a worthy representative of the high quality of research which we have come to expect from the Brookings Institution. Moreover, it is the best addition to the literature of industrial pensions that has appeared in a very long time. The

data have been carefully collected, the analysis of facts and points of view is scholarly and brilliant, and the conclusions are drawn with admirable frankness and objectivity. This is a volume which should be read carefully and thoughtfully by labor leaders, representatives of management, legislators concerned with the solution of the old-age security problem, labor economists, and the interested citizen who seeks reliable enlightenment on one of the nation's most difficult and perplexing problems.

GORDON S. WATKINS

University of California
Riverside Campus

TAYLOR, HENRY C., and ANNE DEWEES TAYLOR. *The Story of Agricultural Economics in the United States, 1840-1932*. Pp. xxvi, 1121. Ames: The Iowa State College Press, 1952. \$10.00.

The Story of Agricultural Economics in the United States, 1840-1932, written by Dr. Henry C. and Anne D. Taylor, is a signal service to the agricultural economics profession. Much of the historical background pertaining to men and their contributions would be lost to younger men in the profession except for this type of treatise prepared by one closely identified with the field during its early history. The book represents a patient, painstaking search of historical documents to trace out the sequence of events and contributions that entered into the shaping of ideas, theories, and trends in teaching and research pertaining to agricultural economics.

Only persons who have been closely associated with the pioneers in the agricultural economics field and who have the historical approach which is well represented in the combined effort of the Taylors can give glimpses of the interplay of personalities and events in past generations. This is particularly true of Parts I and II which the student of current problems would not find time to discover for himself.

Part III devoted to an "Economic Analysis of Farm Management Problems," including choice of a farm, choice of farm enterprises, intensity of culture, size of farms, variations in production factors, and the national viewpoint, while reflecting the

historical approach probably gives a closer view to the things that Taylor, the teacher, considered of major importance.

In treatment and scope, parts IV and VIII reflect the Taylor concept of the field of agricultural economics which took form when he became the head of the agricultural economics work of the United States Department of Agriculture in the Office of Farm Management in 1919 and especially after all agricultural economics work was co-ordinated into the Bureau of Agricultural Economics in July 1921.

The contribution of Norman J. Wall in Part VIII, on "Farm Finance" covering the same period of time, is well done. Some of the other more recent history presented by the Taylors hardly lends itself to the same detailed treatment as that found in the earlier chapters of the book, merely because the work in individual states was becoming too far flung to be treated in the same detail; nor can points of view of individuals be as intimately treated as in the days of a few leaders of independent lines of work.

The Taylors have done a good historical study. Agricultural economics is a difficult field to discuss in a detached way and particularly since the senior author was closely identified with controversial points of view in a period when these views needed to be harmonized in order to weld the disassociated parts into an orderly arrangement identified as agricultural economics. Some readers will consider that there are some omissions which participants from other vantage points would have given emphasis. Also, even a 1,100-page book must omit some matters of historical interest, and the author must select those he considered most important.

The Taylors chose a good stopping point, 1932. It would be interesting, however, while facts can readily be obtained, for someone to prepare the agricultural economic history following that date. Present day federal administrators might well consider some of the historical background that gives reason to the specific co-ordination of agricultural research work in the period 1922-32.

H. C. M. CASE

University of Illinois

SOCIOLOGY AND EDUCATION

BERGER, MONROE, THEODORE ABEL, and CHARLES H. PAGE (Eds.). *Freedom and Control in Modern Society*. (Van Nostrand Series in Sociology.) Pp. 326. New York: Van Nostrand and Company, 1954. \$6.00 trade; \$4.50 text.

Freedom and Control in Modern Society, edited by Monroe Berger, Theodore Abel and Charles H. Page, is a collection of fourteen original essays written in honor of Robert Morrison MacIver, Francis Leiber Professor Emeritus of Political Philosophy and Sociology, Columbia University, by his colleagues and former students.

The tribute is well justified by Professor MacIver's distinguished contributions to political and social thought. David Spitz examines Professor MacIver's political philosophy and presents an incisive critique of his theory of political obligation, while, in a separate essay, Harry Alpert examines and evaluates his sociological contributions.

The twelve other essays explore important areas of political and social thought but have no direct reference to the work of Professor MacIver. Perhaps the most rewarding of these is "The Internationalization of Social Controls" by Gardner Murphy of the Menninger Foundation. Professor Murphy presents impressive experimental evidence concerning the effect of social situations upon the individual process of perception.

In a joint essay on "Friendship as a Social Process," Paul Lazarsfeld makes a methodologically formal analysis of Robert Merton's substantive examination. Whatever its ultimate merit, I cannot help feeling that the formalization did not justify the authors' present belief in its effectiveness.

Robert Bierstadt's paper on "The Problem of Authority" seems to encounter semantic difficulties. However, Milton Gordon of Haverford College presents an interesting paper on the role of the subculture in modern society and its relationship to alternate goal possibilities, while Florian Znaniecki gives a lucid account of the motivation of social groups. Nathan Glazer makes a contribution to the under-

standing of the social role of ethnic groups in society.

Seymour Lipset presents a provocative account of the political process in trade unions and J. M. Clark of Columbia presents us with a distinguished discussion of the relationship between the economic and political processes which undermine the old wives' tale that the economic system functions according to iron laws which are or can be independent of politics. Kingsley Davis employs the science of demography in a survey of national power.

Thomas I. Cook and George Catlin provide discursive observations on the subjects of political values and political science.

It is not possible to give an illuminating account of so large a project in so brief a review. The editors state that the contributions were aimed at the general reader, the student, and the professional social scientist and they hope that it will also prove useful for classroom purposes. It would have been impossible to satisfy these divergent criteria with equal success, although the authors have made a reasonably successful attempt. The quality of the contributions is uneven and several of the essays are not up to the high standards of the others. The book may not be too useful as a text, but several of the articles should be excellent for classroom purposes. However, with a few exceptions, the specialist will have little new to learn from the volume.

MORTON A. KAPLAN

Haverford College

ROSE, ARNOLD M. *Theory and Method in the Social Sciences*. Pp. xii, 351. Minneapolis: University of Minnesota Press, 1954. \$5.00.

As the author admits, the title of this book misrepresents its contents. In it Dr. Rose, who is professor of sociology at the University of Minnesota, has collected twenty-two essays addressed to a variety of theoretical, methodological and technical issues in social science research, particularly within the fields of sociology and social psychology. Thus, although there are linkages between the individual chapters, the treatment is neither systematic nor comprehensive. Rather, the intent is primarily

to "encourage research in sociology along certain neglected channels and with certain relatively neglected research tools" (p. v).

In Dr. Rose's view, much current sociological research is unduly trammelled by a narrow preoccupation with methodology at the expense of research oriented to practical problems of contemporary social importance. Moreover, the present emphasis on technical rigor and objectivity has led, the author feels, to the comparative neglect of nonquantitative methods such as are exemplified in history, case studies, and functional and logical analysis, to the distrust of personal observations, and to the unwarranted aloofness of the researcher from the social phenomena he would scrutinize. Proponents of a similar position will find in these pages numerous arguments to buttress their views; opponents will find therein an unequivocal statement of a widely held orientation to social research against which they may tilt their lances.

Thirteen of the papers are based on previously published articles, the majority in familiar journals, but most of them have been extensively revised for the present book. One of these, "Problems in the Sociology of Law and Law Enforcement," originally printed in 1953 in a more recent periodical, the *Journal of Legal Education*, is of especial interest in the light of a budding rapprochement between law and the more traditional social science disciplines.

Of the hitherto unpublished papers, two are particularly noteworthy. The first, "A Theory of Social Organization and Disorganization," which won the 1952 prize awarded by the American Association for the Advancement of Science for an essay on social theory, attempts to articulate a theory drawn from work in the tradition of such scholars as Durkheim, Weber, Simmel, Cooley, Sumner and the Chicago sociologists. In skeleton form, the theory, from which Professor Rose derives sixteen hypotheses for research, states (1) that social organization depends upon the persistence of internalized meanings and values in a society on the basis of which its members can accurately predict one another's behavior, and (2) that social disorganiza-

tion occurs "when a significant proportion of meanings and values are no longer sufficiently internalized to guide the behavior of a significant proportion of the individuals still in physical contact with one another" (p. 12). The second is a long paper on voluntary associations in France, prepared while the author was a Fulbright research scholar in that country, in which an historical-legal approach is convincingly employed.

JOSEPH B. CASAGRANDE

Social Science Research Council
Washington, D. C.

LOGAN, RAYFORD W. *The Negro in American Life and Thought: The Nadir, 1877-1901*. Pp. x, 380. New York: The Dial Press, 1954. \$5.00.

The Negro, a minority in the U. S., has shaped the character of American life profoundly, even though his influence has been indirect and often negative. He has divided political parties. He has split the Protestant churches into factions. He is the reason for countless laws, and three amendments to the Constitution. But perhaps most important, he is indeed the cause of sectionalism, a development which reached a crisis with the Civil War and had violent overtones in every decade since.

Rayford W. Logan, a professor of history at Howard University, undoubtedly had this in mind when he wrote this well-documented and lucid history of the period 1877 to 1901, described inaccurately as "The Reconstruction Period." He speaks of the period as "The Nadir." For much was done during those tragic days, which must be now undone to enable the Negro to enjoy the privileges of full citizenship and justify the nation's great democratic promise. The fact is, a wide understanding of the period would give perspective to the present, and even indeed indicate what is possible in the future.

Thus, Mr. Logan's book is a first-rate instrument for gaining insights into the era, as well as the forces that were at work. Not since *Black Reconstruction* by W. E. B. DuBois, has a more comprehensive analysis of the Negro in the period been made. But where Mr. DuBois laid

his emphasis upon the economic factors working to bring about a decline in the Negro's social status, Mr. Logan has stressed the political aspects, thus lighting up a whole new area.

He has meticulously explored the Congressional Record, the messages and papers of the presidents, and the platforms of the two major political parties. Even more revealing, perhaps, are his direct quotations from some of the most representative newspapers and literary publications of the day, both North and South. He found them "shocking," particularly those published in the North where it is presumed racial prejudice is less violently articulate.

But Mr. Logan is no crepe hanger. He concedes that Negroes have made notable progress toward first-class citizenship, so much so that he believes it should even encourage the faint-hearted. But it is clear that he is not an admirer of Booker T. Washington, who advocated a policy of gradualism. And he subjects his position to searching inquiry.

He comes to the conclusion, though Washington received national acclaim for his "Atlanta Compromise Speech" in 1895, that actually the Negro leader renounced "social equality" and political participation by the Negro, and even offered Negroes to industry as strike breakers. His analysis of the southern newspapers immediately before and after Washington's famous address brings him to the conclusion that they do not entirely justify Washington's assertion that the southern white man was the Negro's best friend.

Mr. Logan, a disciplined and industrious historian, has performed a distinct service in filling a gap in the story of Negroes in the U. S.

ROI OTTLEY

Chicago, Illinois

SAENGER, GERHART. *The Social Psychology of Prejudice*. Pp. xv, 304. New York: Harper & Brothers, 1953. \$4 00.

Written primarily as a guide for those interested in improving racial and ethnic relations, Professor Saenger's book succeeds in achieving its purpose. Many of the most recent findings of sociological, social psychological, and anthropological re-

search are brought together in convenient and readable form in this relatively brief treatment of prejudice and discrimination. Less technical and less comprehensive than G. W. Allport's recent work, *The Nature of Prejudice*, it is exceedingly valuable for the audience to which it is addressed.

Saenger discusses the nature, extent, and costs of prejudice in American society, the determinants of prejudice, and the principles and techniques of reducing prejudice and combating discrimination. Current scientific viewpoints on races as biological groups, race mixture, alleged racial superiorities and inferiorities, differences in emotionality and other personality characteristics according to ethnic origin, are reviewed and appraised. Saenger's excellent discussion of social perception drives home the effects of stereotypes held about Negroes, Jews, and other minorities.

The author of this book recommends concentrating the attack on discrimination in areas of life where there is least resistance, and, where several possibilities are open, using the approach "most likely to have the most far reaching consequences." Merton's suggestion that strategies might be varied according to the types of persons addressed, and Lillian Smith's recommendations for action in terms of the kinds of individuals who are interested in attempting to reduce prejudice and discrimination, are not mentioned. Thoughtful sections on propaganda, re-education, contacts, self-surveys, integration in industry, and the legal approach—including the effectiveness and the shortcomings of existing laws—constitute important parts of this book.

The scientific studies of prejudice and discrimination have multiplied in recent years, and research techniques have improved greatly. In reading a book like Saenger's, the conclusion can hardly be avoided that our understanding of ethnic relations is considerably greater than it was twenty years ago. Also, despite some critical situations, especially in the field of housing, it appears that the over-all situation in racial and ethnic relations in the United States shows a great deal of improvement in the middle fifties as compared with the middle thirties. The be-

havioral sciences have already begun to have a practical impact, but, as Professor Klineberg points out in the Introduction, much remains to be done before the United States lives up to its democratic ideology.

GEORGE E. SIMPSON

Oberlin College

ROSENBERG, STUART E. *The Jewish Community in Rochester, 1843-1925*. Pp. xv, 325. New York: Columbia University Press, 1954. \$4.50.

The year 1954 marks the tercentenary of Jewish settlement in North America. Though the publication of this volume was not necessarily planned for this year, the date enhances its significance. The facts it marshalls and the story it tells add up to further proof that Jewish life on this continent has been far from static, but that, on the contrary, a new type of Jew has come into being as well as a new form of Jewish community living.

The Rochester Jewish community is, of course, neither the largest nor the most important in the United States. Its beginnings go back to only 1843, when a certain Myer Greentree (could his name have been Gruenbaum?) removed his peddler's pack and chose Rochester as his permanent home. Yet, in this brief time this comparatively small Jewish group has built religious, social and educational institutions, contributed its share to local and even international philanthropies, and in general made its influence for good felt in the wider community. Its sons and daughters have Americanized themselves, not only in language, but also in thought, habit, interests and sympathies. Dr. Rosenberg has labored assiduously to trace the steps by which the transformation has been achieved. But spiritual transformations do not lend themselves to factual documentation. Perhaps the second volume of his history, which will carry the story of the community from 1925 to the year of its eventual publication, will offer statistics or find some other means of showing how the existing situation has evolved and what the changes have meant in terms of gain or loss to Jewish religious tradition and personality.

In those areas of life to which Dr.

Rosenberg devotes most attention, he is eminently successful. In the economic sphere the Jews of Rochester have played a role of importance to the entire country; they built up the clothing industry of Rochester as well as its obverse, the labor unions. Dr. Rosenberg also describes the painful accompaniments of the process. The latter were the more unpleasant in that they emphasized the social breach between the two parts of the Jewish community: that of German origin and that of the later arrivals from Eastern Europe. This socioethnic division is the scarlet thread that runs through the entire story. The religious history of the Rochester community was especially affected by it. Not that division between Reform and Orthodox, and later also Conservative was peculiar to Rochester; but in the earlier days an intensity about the religious cleavage seems to have manifested itself there which may have grown out of economic hostility in addition to the purely theological differences. This in turn affected community life, each group building institutions of its own, social and philanthropic as well as religious.

In time the misunderstandings were overcome, the people learned to live with one another, and a community spirit emerged out of the common Americanism within which the second and third generations grew up. This is the interesting, encouraging, and promising story of the book. It is also the point which Professor Salo W. Baron makes in his brief preface to the volume. This is why the Jewish community of Rochester may serve as an illustration of what has taken place in every town and city where Jews settled during their first three hundred years in America.

SOLOMON GRAYZEL

Philadelphia, Pa.

FRIEDMANN, EUGENE A., and ROBERT J. HAVIGHURST with others. *The Meaning of Work and Retirement*. Pp. vii, 197. Chicago: The University of Chicago Press, 1954. \$3.75.

Encouragement of public and private annuity and pension systems for all older workers acquired the status of a national policy about twenty years ago. The basis

lay in recognition of the hazards leading to unemployment in old age and in the conviction that a surplus of workers made it desirable to move the older ones out of the labor force in favor of youth and of those with family responsibilities. Underlying the whole matter was the convenient and common belief that, for most persons, work meant nothing more than a means of earning a living.

During the past decade, however, studies of old-age and survivors insurance beneficiaries and of several other groups have shown that there is considerable reluctance to retire, and that many retirees are poorly adjusted, even when retirement income is sufficient to provide reasonable security. These exploratory studies have led to the development of hypotheses regarding broader meanings of work, and of the importance of satisfying these meanings in other ways if workers are to accept retirement.

The Committee on Human Development at the University of Chicago was among the first to develop these hypotheses. A Committee for the Study of Later Maturity, consisting of Ernest W. Burgess, Robert J. Havighurst, and Ethel Shanas, supported with funds from the Rockefeller Foundation, initiated a series of studies related to work and adjustment in the later years. *The Meaning of Work and Retirement* is the first comprehensive presentation of objective data on this subject.

Central to the report are chapters dealing with the meanings of their jobs to samples of workers in five occupations: steelmaking, coal mining, printing, retail selling, and private medical practice. Preceding these analyses, a frame of reference is developed in terms of the function of work in American culture and the corresponding significance or meaning to the individual. In addition to income, work provides a means of expending time and energy, affords identification and status in the group, brings one into association with others, and gives purpose to the life experience.

The studies yield several important conclusions: the job does, indeed, have these additional meanings; there are variations among occupations; variations are still greater among individuals within occupa-

tions; and attitudes toward retirement vary significantly among occupations and individuals. Among occupations, there appears to be a clear progression to desire to continue at work and the variety of meanings attached to the job, even when retirement is assured.

This study, together with those of Hall and Lorge and Tuckman, should put an end to some of the generalizations freely made about work and retirement. Hopefully, it should lead to the focus of more attention on finding new sources of satisfaction for the years in the postwork period. For, as Havighurst suggests, we may be shifting to an economy of consumption in which not all who can earn are needed as workers, and we may find other activities that yield even greater satisfaction than work in the later years.

CLARK TIBBITTS

U. S. Department of Health,
Education, and Welfare

HOWELL, TREVOR H. *Our Advancing Years: An Essay on Modern Problems of Old Age*. Pp. 192. London: Phoenix House, 1953; New York: The Macmillan Company, 1954. \$3.50.

Dr. Trevor Howell has called his latest book on Gerontology "an essay on modern problems of old age." This is too modest a title for such a broad and enlightened study, which is both practical in its application and full of insight into the problems discussed.

As Dr. Howell states in the Preface, his viewpoint is that of a physician whose daily professional work lies mainly among the aged and chronic sick, and he has written this book to draw attention to the problems of old age and to make certain recommendations for the solution of some of these problems.

In his first chapter emphasis is laid on the waste of the productive capabilities of men and women retiring at the traditional ages of sixty-five and sixty, and an appeal is made for a reexamination of the whole question of retirement and the capabilities of the older generation. The importance of a correct assessment is not confined to the older generation but affects the community as a whole, if the burden of main-

taining the elderly people is not to become intolerable for the working age group. "In fact," he says, "the continued productive activity of older workers will act as a financial safety valve to the country. Otherwise we shall be unable to afford the money needed to provide the pensions which should be paid to elderly people."

Money, however, is not enough and Dr. Howell stresses the importance of adequate housing and of practical services to enable older people to remain independent. Among these services emphasis is particularly laid on the work of the district nurse, the home help and the need for more laundry services to relieve old folks at home of the weekly wash.

One of the interesting characteristics of social work in the United Kingdom is the multiplicity of agencies which concern themselves with social problems; this is especially the case with the welfare of old people. A great merit of this book is that it gives a complete and accurate picture of the voluntary societies (private agencies), both social and medical, which are concerned with old people and pays tribute to the co-ordination of these services by the National Old People's Welfare Committee. It should just be noted that the figures for the latter are rather out of date as there are now well over 1,000 branches.

When Dr. Howell comes to trace the development of the old Public Assistance Institution into the modern home for the old, he speaks with considerable personal experience. Particularly interesting is his account of his work at The Royal Hospital, the home of the famous "Chelsea Pensioners," originally founded by Charles II in 1682, which provides for 500 pensioned soldiers right in the heart of London.

The last part of the book traces the story of Geriatrics and again here his story becomes alive as he names and describes the work of some of his pioneer colleagues. While the medical section of his story will be of great practical value to other doctors working in this field, it is also of absorbing interest to the layman interested in the welfare of the older generation, and to the individual facing old age.

Throughout, practical advice is given about hazards to be avoided "as we slip

into the smaller life of the older man," and an unusual and erudite history of old age provides us with something approaching a philosophy.

Dr. Howell has written a book of real value full of sensitive understanding of the attitudes and wishes of old people. A visit to one of his wards is an exciting and stimulating experience as the reviewer knows, and we should be grateful that Dr. Howell has found time to pass on some of this excitement to those who read *Our Advancing Years*.

DOROTHEA RAMSEY

Cumberland, England

McGRAW, PEG, and WALTER McGRAW.
Assignment: Prison Riots. Pp. xii, 270
New York. Henry Holt and Company,
1954. \$3.95.

During the last two or three years there has been an epidemic of prison riots without precedent in American penal history—over forty of them altogether.

This upsurge of violence brought no surprise to veteran penologists. The conventional prison system keeps the convicts on the verge of rebellion at all times. Any considerable increase in the tensions of prison life brings actual rioting. Conditions which inevitably produce greater tensions have been general in prison experience all over the country since the end of the war.

Prisoners were rather fully employed during the later years of the war, but prison industry has gone into a slump since hostilities ceased. This has meant loss of work for prisoners and the resulting demoralizing idleness. Appropriations for prison service have remained static or have been reduced while costs have skyrocketed as the result of inflationary trends. This has meant poorer food, inferior service, and a lower type of custodial force.

Hence, it is no wonder that we have been treated to a rash of riots. These will continue until economic conditions within prisons are improved and, along with this, better and more humane living conditions are provided.

It was natural that the spectacle of widespread prison rioting would produce a good

book dealing with the situation. The volume by Mr. and Mrs. McGraw has been the answer and it serves the need very well indeed. It has a special appeal for a popular audience, and this is the only audience which requires a book to explain the morbid situation and to indicate possible remedies to bring about an amelioration.

The authors give evidence of a respectable knowledge of the essentials of enlightened penology. They did a great deal of hard work in assembling the material they present. They demonstrate a high order of repertorial ability. If much of the material they give us is sensational, it is always cogent and interesting. It invariably serves to drive home an important truth or principle. The public now possesses an adequate guide to prison riots and their possible remedies.

The authors show clearly enough that the real culprit is the repressive prison system which has changed only slightly in over a century. There is no rational place for this system in a civilized society except for the segregation of the small fraction of incorrigible and nonreformable prisoners—not over thirty per cent of the convict population. Even in dealing with these, the system should be humane and self-supporting, while properly stressing custodial security.

The traditional prison system neither protects society nor reforms convicts. At least three-fourths of the dangerous criminals are at any given time roving about freely without either arrest or custodial restraint. If any convicts are reformed in the course of their prison experience, it is more likely to be the result of increasing maturity than of penal treatment. Crime and criminals are a medical, psychiatric, and social work responsibility in which the conventional prison has no rational role whatever.

It is regrettable that a book of such merit was printed without an index.

HARRY ELMER BARNES

Cooperstown, N. Y.

DANDEKAR, V. M., and KUMUDINI DANDEKAR. *Survey of Fertility and Mortality in Poona District*. Pp. 191. Poona,

India: Gokhale Institute of Politics and Economics, 1953. Rs. 5 or 7s. 6d.

One of a series of inquiries into population problems in India under the auspices of the Gokhale Institute of Politics and Economics, this study contains an analysis of survey data on births and deaths; knowledge and use of family planning and limitation; and attitudes toward reproduction. The material was derived from a sample of about 2,000 families located in Poona City and in five towns and thirty villages in the Poona District. Although, as the title indicates, information was obtained on mortality, the investigators' central problem was that of differential fertility.

Perhaps the most unique feature of the inquiry is the section concerned with family planning and limitation, although it suffers from the most serious methodological shortcomings. Some of the more interesting results of this part of the work are: the concern shown by males over the education of their sons and the general weight of responsibility felt by males for their children's welfare, the considerable proportions of the urban *and* rural samples of both sexes who expressed a desire for knowledge of birth control methods; the further substantial number of these who volunteered that they would adopt such methods immediately; and the low level of positive opposition to family planning expressed by the respondents. In addition, the incidence of sterilization (male and female) among the very small proportion of birth control users is striking.

Certain drawbacks of the study must, however, be mentioned. First, the family planning and limitation questions were not, in many cases, asked of matched husbands and wives. Given the subject matter of the interview, a far superior type of analysis is possible if this matching process is adhered to, especially as it does not add greatly to field problems. Second, there are, in this reviewer's opinion, too many respondents who refused to answer the knowledge-and-use questions because they claimed these questions did not concern them—either because they had no children, were too old, or for similar reasons. The investigators accept these refusals as "understandable" in view of the reasons given.

The refusals are somewhat "understandable" in regard to the questions on *use* of birth control, but are inadmissible in regard to *knowledge* of family limitation practices. Over a quarter of the males, rural and urban, and well over a quarter of the urban females did not answer the knowledge questions because they considered them irrelevant. Two further criticisms, perhaps minor, concern the presentation of the tables and the general form of the analysis. It is often very difficult, if not impossible, to relate the figures in the tables to those in the text. This problem is particularly evident in regard to the no-answer and not-concerned categories. In addition, there is a lack of both conceptual focus and selectivity in the analysis; the reader is confronted by a somewhat dreary rendition of the results of the "next question" in paragraph after paragraph.

In spite of the above criticisms, it must be remembered that studies of this type are relatively new to the field of population and can, therefore, be counted on not only for their share of errors but for much valuable information not obtainable in any other way.

JUDITH BLAKE

Columbia University

MURRAY, CLYDE E., MARX G. BOWENS, and RUSSELL HOGREFE (Eds.). *Group Work in Community Life*. Pp. x, 245. New York: Association Press, 1954. \$4.75.

Here reported are a series of interesting and annotated experiences questionably termed "group work experiments," all developed to meet specific community need and not confined to the usual building operations. Learnings for group work practice are summarized and analyzed briefly.

This book seems to express a sort of yearning for what might be characterized in the universe of social work as a general practitioner unshackled either by the chains of agency setting or by narrow specialization, but dedicated to helping people meet those priorities of social welfare need as may be determined by appropriate and responsible groups in light of local community subcultures and need. This calls for professional problemsolving competence

and statesmanship of the highest order. It is not here suggested that we should do away with specialization, but that it should follow a comprehensive social work education.

Group work almost always takes place in agency building facilities of one kind or another, but it is often disassociated from community life. Groups always consist of individuals, and communities always consist of groups as do neighborhoods. At least, so this reviewer contends. He also maintains that there is no such thing as group work method, nor casework method, nor intergroup work method as such. Generalized knowledge we believe may be classified as theoretical knowledge and as applied knowledge. In the realm of applied generalized knowledge are certain methods such as scientific method, interviewing method, group discussion method, project method and the like. All these are used as deliberate methods in various combinations and directed toward initiating, developing, sustaining and even terminating certain processes (social processes to be sure) dominated by a distinctive value system we identify as "social work philosophy." These particular processes we term social casework, social group work, and social intergroup work.

The methods employed are *not* unique to social work either singly or in combination, but the processes *are* because they embrace philosophy, methodology, and purposes of worker; responses of clientele; interaction between these two; and social agency function. The methods are employed by the disciplined professional worker, but the process developed is as much the creation of clientele as of the worker and therefore are different or may be different in every culture or subculture.

Social work discovered Freud some few years ago, but as yet has not really discovered social process with all of its implications and ramifications including the contributions of social psychology and social anthropology. It is hoped by this reviewer that it will be the next big social work discovery. To the extent that it is, then as day follows night, discourses on group work, group workers, and group work method will largely give way to discussions

of social work, social work methods, and the like.

In our opinion, there are no methods now utilized in group work not also utilized in casework and intergroup work as well. These methods are also employed in many other nonsocial work efforts as is a common core of basic theoretical knowledge. But the use of knowledge and methods made by social work practitioners is unique, *not* the methods.

This volume should be required reading for all social work educators, students, practitioners, and board members. It is interesting and provocative.

W. I. NEWSTETTER, DEAN

University of Pittsburgh

MCCORMICK, MARY J. *Diagnostic Casework in the Thomistic Pattern*. Pp. xii, 239. New York: Columbia University Press, 1954. \$3.50.

Diagnostic Casework in the Thomistic Pattern is a real contribution to the literature on the theory and philosophy of social work. Dr. McCormick is to be congratulated for handling the subject with intellectual maturity and philosophical sophistication. It illustrates a point made by Hollis and Taylor in their well-known study of *Social Work Education in the United States* (Columbia University Press, 1951)—Catholic scholars have given special consideration to the philosophy of social work.

Dr. McCormick's study attempts to relate Thomistic philosophy to one of the methods of social work, social case work. Inasmuch as the basic theory of case work has been built almost exclusively upon Freudian psychology, she had to relate Freudianism (both as a philosophy and as a therapeutic system) to the philosophy of St. Thomas Aquinas.

The author was very skillful in selecting citations from the *Summa Theologica* of St. Thomas Aquinas, various works of Sigmund Freud, and the statements of friendly commentators on these subjects. She did not consider Mortimer Adler's opinions on Freudianism; she merely quoted, on occasion, from his volume on *Art and Prudence, A Study in Practical Philosophy* (1937). She was not embarrassed by the critique of Freudianism written by the

Catholic psychologist Dr. Rudolph Allers (*The Successful Error: A Critical Study of Freudian Psychoanalysis* (1940)); she ignored it. She was not concerned with the brilliant work of Joseph Jastrow (*The House That Freud Built* (1932)) comparing psychoanalysis with the confessional; she did not mention it.

The result, from a literary point of view, is a production that in many places is as dull and uninspiring as a Doctor of Philosophy thesis. Fortunately this is not true of the entire book. In the chapters on "Diagnostic Method and the Habit of Prudence: Interpretation and Choice" and "The Perfection of Prudence" Dr. McCormick rises to heights that approach originality. Here she is concerned primarily with relating Thomas Aquinas' concept of prudence to case work, rather than in justifying Freudianism in the light of Thomistic philosophy. There is also an excellent appendix on "The Philosophical Basis of Functional Casework" wherein she deals with the Rankian concept of personality development in casework.

The book is recommended reading for all students of social work. Many of them will find it to be more meaningful for our time than the scientific humanism and economic dissenting of the interwar years. It is doubtful, however, if they will all be convinced that the mechanistic and instinctive psychology of Freud is wholly compatible with any Christian philosophy, Thomistic or otherwise.

ARTHUR P. MILES

University of Wisconsin.

PHILOSOPHY AND RELIGION

HOWLETT, DUNCAN. *Man Against the Church: The Struggle to Free Man's Religious Spirit*. Pp. viii, 247. Boston: Beacon Press, 1954. \$3.50.

The theme of this book by the minister of the three-century old First Church in Boston is the contradiction between religion, which represents the highest and most noble of man's aspirations, and the church, which so often reflects the most base and ignoble of man's motivations.

Throughout the ages, says the author, religion has been leading man toward a nobler vision, a better day, a higher hope, and a fuller life. The church, on the other hand, has been worldly, obscurantist, arrogant and predatory.

What the church lacks, Dr. Howlett says, is integrity. Integrity is consistency between what it preached and what is practiced, and the church through the ages has had none or precious little of it. The church preaches honesty but practices duplicity; it preaches the laying up of treasures in heaven while it accumulates the treasure of the earth; it preaches humility but is full of pride and arrogance; it preaches peace and love but fomented hatred and persecution against those who will not submit to its authority.

What, too, the church lacks is democracy. This is but an aspect of its lack of integrity. For it preaches the equality of all before God, yet is authoritarian, hierarchical and dominating. It preaches the priesthood of all believers but at the same time claims exclusive possession of the keys to the kingdom. It suppresses all independent expression within it and casts out the doubters and the questioners. It equates itself with God by condemning as atheists all who challenge its dogma and question its letter of authority from God.

Moreover, this lack of integrity in churches is congenital and ineradicable. Whenever men of religion and integrity within a church, after a vain effort to purify it, separate themselves and establish a new church purged of the evils of the predecessor, it is only a matter of time before the new church acts like all ill bred churches and behaves with duplicity and arrogance.

In view of this sorry state of affairs, it would seem that the only solution is the elimination of churches. Man in the state of religion is noble; only the church corrupts. Hence logic would seem to require that the church be gotten rid of. Dr. Howlett, however, stops short of the logical conclusion. Anarchy in the religious society is as undesirable as it is in the secular world. We need a church no less than we need a state. Authoritarianism is bad; but authority is needed and is good.

The solution, says Dr. Howlett, is not the elimination of the church but the establishment of a church of democracy and integrity. It is a church which churches best because it churches least. It is a church wherein the goal, not the starting point, is truth; where every man is a prophet and in equal communion with God. It is a church where practice is in harmony with precept and where what is taught and what is done are identical. It is a church with religion but without creed or dogma. If this church happens to bear a striking resemblance to what the Unitarian Church is or would like to be, the fact that Dr. Howlett is Minister of the mother church of Unitarianism in America is perhaps only coincidental.

I do not wish to be misunderstood. I have found this an absorbing book, written out of deep conviction by a person of integrity—in the generally accepted sense of the word as well as in the sense used by the author. The indictment rings true; the problem presented is real and disturbing. My quarrel is only with the author's conclusion. Essentially, his solution amounts to little more than an admonition to the churches to do good and eschew evil. The churches have been getting that at least since Amos and Isaiah. But perhaps a little more won't hurt.

LEO PFEFFER

American Jewish Congress

OXNAM, G. BROMLEY. *I Protest*. Pp. 186. New York: Harper & Brothers, 1954 \$2.50.

On July 21 1953, G. Bromley Oxnam, Bishop of the Methodist Church, and a symbol of militant, progressive elements within Protestantism, entered into public combat with the House Committee on Un-American Activities. After a gruelling ten-hour session, the articulate cleric was widely acclaimed the victor. Already several contemporary prophets have suggested that history will judge the "Oxnam hearing" as the turning point in the continuous battle of this generation against wholesale character assassination through the application of indiscriminate labels.

In *I Protest*, the Bishop presents an absorbing, informative, and compact sum-

mary of his encounter; gives further evidence of his own integrity; and shows the shameful incompetence of the Velde Committee. Verbatim extracts from the hearing, interspersed with interesting commentaries, comprise the major part of the book. The Bishop organizes these data around eight specific protestations, beginning with an acrid denunciation of the use of the House floor to broadcast falsehoods under the protection of congressional immunity. In this connection, he singles out Representative Donald L. Jackson's crass accusation that Oxnam "served God on Sunday and the Communist front for the balance of the week"—a charge that led the Bishop to demand a public hearing to clear his name. In characteristic fashion, the author does not mince his words in dealing with Jackson; he flays the California Republican as "a smooth talking, superficial opportunist."

The Methodist prelate condemns many other undemocratic and unethical practices as well. He gives abundant testimony to the Velde Committee's ignorance and inefficiency, its "Big Bully" attitude, and its frantic efforts to manufacture headlines. He castigates its practice of releasing, under its letterhead, unverified and incomplete material which is frequently inaccurate and usually misleading. He points out a fact generally unknown to the public: that the Committee obtained much of its "information" on alleged subversion among the clergy from the American Council of Christian Churches, a fancy title shielding a tiny group of self-styled "Bible Believers" led by a deposed preacher.

I Protest is a small book and it does not pretend to analyze adequately many of the broader issues which it raises. Bishop Oxnam is not only objecting to the treatment he received at the hands of the Velde Committee; he is speaking out against the whole spectacle of irresponsible red hunting today. He freely acknowledges that there is a "rightful and necessary place" for congressional inquiries, and he is fully aware that the Communist party is a conspiracy and that conspirators "ought to be discovered, tried in due process, and, if found guilty, punished." He objects to unfair procedure, however, and to reliance

upon the professional informer, described by Oxnam as "a man of the shadows, born of fear and contributing to it . . . a creature of the police state, and alien and malignant growth."

Like millions of other citizens, the Bishop fears for the future of America's unique experiment with democracy. *I Protest* serves to arouse the complacent and to give new hope and inspiration to those who share the author's concern. Perhaps it will prove to be one of the most significant tracts of our generation. Certainly, every serious student of current trends will find it indispensable to his understanding of our age.

RALPH L. ROY

Union Theological Seminary

BRADSHAW, MARION J. *Free Churches and Christian Unity: A Critical View of the Ecumenical Movement and the World Council of Churches*. Pp. xiv, 225. Boston: Beacon Press, 1954. \$3.50.

It is surprising that such a book should not have appeared before this since the traditional position of all congregationally governed churches is opposition to "man made creeds" and any overhead control. These, the so-called "free churches," are the Congregationalists, the Baptists and the Disciples, to name only the largest and most influential. Besides these large bodies there are numerous small sects, many of them of recent origin, that are also congregational in their form of church government, and none of which have had any part or interest in the ecumenical movement. The Congregationalists, the Northern Baptists, and the Disciples have been active participants in church union movements, but the great Southern Baptist denomination has had no part in it.

The author of this able criticism of the ecumenical movement has been for many years a member of the faculty of Bangor Theological Seminary. He was ordained as a Christian or Disciple Minister and for thirty years has been a Congregationalist. Thoroughly ecumenical in his personal relationships, he has come to think that the ecumenical leaders in his own communion are finding centralizing tendencies irresistible and are willing that all Congregational churches be destroyed in the interest

of one world-wide church. He quotes a distinguished professor of ecumenical Christianity as stating that there can be no question, whatever, but that the ultimate goal of the ecumenical movement is a complete, organic union of the various branches of the existing churches of Christ throughout the world. In a chapter entitled "Is the World Council Totalitarian?" he quotes the General Secretary, Dr. W. A. Visser't Hooft, at length to show that from his utterances the Council is definitely tending in that direction, a conclusion which to this reviewer seems unjustified.

The author notes the common tendency to exaggerate the value of unity. Quoting William E. Barton in the heading of Chapter Five "Let us stop wailing about our divisions and emphasize our unity. . . . Whatever unity the Church possessed in . . . the Apostolic Age . . . was unity of the Spirit, manifest through widely differing modes of organization." The author fears that great unity movements will almost invariably take on a theological basis which will exclude or compromise honest liberals, and that other things may become more important than unity.

It is safe to say that none of the ecumenical leaders are thinking in terms of creating an organic union of the World Council of Churches. If some of them have said things which when taken out of context seem to indicate otherwise, it undoubtedly needs correction, and the author of this book has done well to bring such statements into the open.

In closing, it may be appropriate to call the author's attention to the fact that the Congregational Church was established by law in the three New England colonies and was the only American Church that ever exacted the death penalty for heresy.

WILLIAM W. SWEET

Dallas, Texas

SHUSTER, GEORGE N. *Religion Behind the Iron Curtain*. Pp. xxi, 281. New York: The Macmillan Company, 1954. \$4.00.

Dr. Shuster's scholarly book consists of a series of narratives about the religious or, more exactly, antireligious effects of the overflow of Communism into the area of the satellites, Yugoslavia, and the Baltic

states which technically form part of the Soviet Union. Each story is preceded by a clear and concise description of the social and religious situation of the country prior to its "liberation" by Soviet armies. Of course, the author analyzes the measures taken by the new rulers to curb religion. They have been somewhat different in the various countries, depending on the religious composition of the population and the peculiarities of the national culture. However, all could be explained (though the author does not do that) as a rational application to a newly conquered area of the experience accumulated in Russia prior to the Second World War, and to the turn from direct persecution to the somewhat milder, but probably more effective, practices of our day. Of course, the author also tells, in well chosen instances, the story of the resistance of the believers, in the beginning fiery, but later on concentrating on efforts to preserve for religion whatever could be preserved; this second phase seems to have coincided with the spread of the conviction that the Western powers would not intercede in favor of the peoples of the satellites. And, of course, the author does not conceal the many cases of subservience, servility, even treason which he explains in terms of the general climate of hopelessness now prevailing in the part of the world studied by him.

Time and again, Dr. Shuster asks the question, how could such a catastrophe happen? The proximate cause is obvious; this was the inability of the western powers to establish themselves in positions of strength in Central Europe. He looks however for a deeper cause and finds it in the failure of the victors of the First World War to preserve Austria-Hungary in the form of a federation.

The conclusions of the author are rather pessimistic. First, he sees no indication that a Christian view of how to make industrial society function to the advantage of the majority of men has gained in popularity. Second, although the Marxian faith has lost many followers in many parts of the world "the dominant intellectual caste" continues using it as their master-plan. At the very end, Dr. Shuster rather unexpectedly asserts that an international

code of minority rights would in the long run become truly revolutionary. The reviewer disagrees with this idea; much stronger ideas than a code of minority rights have proven impotent against the brutal force of a totalitarian dictatorship.

N. S. TIMASHEFF

Fordham University

BARNES, WILLIAM WRIGHT. *The Southern Baptist Convention, 1845-1953*. Pp. 340. Nashville, Tenn.: Broadman Press, c. 1954. \$3.75.

The social organization of the Baptist church in the United States is divided into two major conventions, the American Baptist, formerly the Northern Baptist, and the Southern Baptist. At the time of its organization in Augusta, Georgia in 1845, the Southern Baptist Convention was established to give formal associational relations to that group of churches in the southeastern part of the country which had what then seemed to be fundamental disagreements with their sister churches over theological, missionary, and slavery questions. (Presbyterian and Methodist churches experienced a similar bifurcation during the mid-nineteenth century.)

At its San Francisco meeting in 1951, the Southern Baptist Convention proposed that "whereas, the Convention has defined its territorial position . . . by removing territorial limitations, and, whereas, the Northern Baptist Convention has changed its name so that it is continental in scope, the Home Mission Board and all other Southern Baptist boards and agencies be free to serve as a source of blessing to any community or any people anywhere in the United States."

Barnes' history of the Southern Baptist Convention is a report of the various actions and activities that attended the development of this the largest of indigenous religious groups. With a membership of approximately 10,000,000 communicants, the convention now exceeds the territorial limits suggested by its name and follows its church constituents and the communicant market into the North and the West. From four to five times larger than its sister convention, the Southern Baptist Convention has successfully invaded the areas of new

population concentration with its "Simultaneous Crusade" of evangelism and its "Five Year Crusade" for more conferences, more mission stations, and more effective witnessing. In the process, the Bible Belt has shifted.

The Southern Baptist Convention is essentially a conservative religious organization, despite the fact that the Baptist church in the United States finds its spiritual heritage in the radical wing of the European Protestant upheaval of the sixteenth and seventeenth centuries. Barnes' history of the convention validates without emphasizing this conservatism. The recital of "facts"—names, dates, and excerpts from "proceedings"—does permit the student to conclude that the role of the association of churches, so common to early European Baptist history, the belief in the autonomy of the local church and in the priesthood of believers, continue to be significant tenets of Baptist church organization within that convention. These beliefs have been able to withstand the ideological onslaughts of Unitarianism, Universal Restoration, Millerism, Landmarkism, and slavery. And though Dr. Barnes gives more attention to the names of those who vied on these issues than to the contextual meaning of the issues themselves, one can discover their significant relationships in denominational history in the more lucid and interpretive writings of A. H. Newman, W. W. Barnes, Robert G. Torbet, and others.

IRA DE A. REID

Haverford College

GOGUEL, MAURICE. *The Birth of Christianity*. Translated from the French by H. C. Snape. Pp. xviii, 558. New York: The Macmillan Company, 1954. \$7.50.

The author of our book is the well-known senior and master of French protestant scholarship. Less interested in theological implications and philosophical problems, he presents historical facts in an excellent way, reconstructing the past as far as possible. *The Birth of Christianity* is the second volume of a planned trilogy, which began with *The Life of Jesus*. The present volume thus presupposes the historical Jesus and his teaching. It begins

with "The Birth of the Belief in the Resurrection of Jesus" and follows the historical development under different viewpoints up to the first half of the second century A.D. The caesura between Vol. I and Vol. II is well chosen.

We are not going into detailed criticism of Goguel's book; comprehensive handbooks like this will always present us with a good deal of places where individual judgment differs. No doubt that the author who has dealt with the chief problems of earliest Christianity in many articles, is excellently acquainted with all questions of the period. The scholarly apparatus of the book is the reference to the most important sources, quotes, and other studies of the period, primarily European ones.

Yet when dealing with the history of the early, indeed the earliest church as an 'intramundane development as our author does, the question comes up: where lies the chief interest of the historian? Is it *the beginning as such* and therefore the viewpoint: how did all the different phenomena come to pass and how have they set forth such and no other consequences? Is our historical development a linear, logical result of causes? Or does the primary interest of an author lie in *final results* of history, so that we search for different reasons? Here we carry with us the general assumption of unity and an inherent logicism behind the surface of historical phenomena. In this case the scholarly interest searches for teleological forces and the constructive imagination designs a well-balanced, unified historical picture.

To illustrate these two historical aspects we may point to *Harnack* with his primary interest in final results on the one side, and to *Bultmann* on the other side, whose main concern is the question of the very beginning and how things came into existence.

What about *M. Goguel* who, born in 1880, belongs to the generation between *Harnack* and *Bultmann*? His approach presents some kind of a *via media*, that is, he tries to bring into balance the divergent aspects. This attitude can be seen also in his methodology, where he prevents extreme positions, for instance, a fundamen-

talistic lack of criticism as well as critical radicalism. The general line of Goguel's book may perhaps be characterized as a synthesis of liberalism and conservatism, making use of psychology and psychological explanation more often than I personally can agree with.

Yet, the present volume of Goguel as well as his *Life of Jesus* is an outstanding masterpiece of greatest importance for modern historical research. For nontheologians, the *Birth of Christianity* represents a reliable handbook of facts.

ERICH DINKLER

Yale University, Divinity School

KIMPEL, BEN. *The Symbols of Religious Faith: A Preface to an Understanding of the Nature of Religion*. Pp. xxiv, 180. New York: Philosophical Library, 1954. \$3.75.

A Criterion of Religious Phenomena would be a more accurately descriptive title of this work. The author is concerned throughout with the problem of what constitutes religious phenomena in contradistinction to the nonreligious. He professes entire disagreement with the school of Rudolf Otto which finds a concept of the holy the distinguishing trait in religious manifestations. As the author points out, there is a circular procedure in empirical studies of religion.

One must have a definition, that is to say, a concept of religion before he can select those phenomena from which he will adduce the traits that are peculiar to religion.

He will then find that these phenomena do exemplify the characteristics which he believes constitute the religious

Underlying all religious life, we are told, is acknowledgement of "man's total dependence upon an ultimate reality. An understanding of behavior, whether it be institutional ritual or individual prayer, is a definition of religion" (6). "Religious life includes all that men do to acknowledge their ultimate dependence upon a reality, or realities, which control, directly or indirectly, whatever they regard as the essential goods of life. Whatever is regarded as essential to life, therefore, may acquire religious significance" (28). Later

the author adds the criterion that religion "includes all that men do to acknowledge their ultimate dependence upon a reality revered as transcendent both of human resources and the physical world" (30). "There would be no motive for man to turn beyond his resources to another reality if every requirement of his life were fulfilled within his own resources" (136). "Religious faith is not a philosophy of the nature of human life, or the human soul, or even of the destiny of human life. It is an affirmation about the existence of a reality which is supremely worthy of man's trust, both in this life, and in another—whatever such a life may be" (145). The thesis is throughout illustrated by examples drawn from some primitive cultures and to a greater extent from the early historic civilizations of the Near East and Far East.

WILSON D. WALLIS

South Woodstock, Connecticut

STEVENS, DAVID H. *The Changing Humanities: An Appraisal of Old Values and New Uses*. Pp. xiv, 272. New York: Harper and Brothers, 1953. \$4.00.

In this volume the former Director for the Humanities of the Rockefeller Foundation puts to use a lifetime of varied experience as he analyzes the nature of the humanities, what has happened to them in the last fifty years, and what they can contribute to the lives of men in the world both now and in the future. Mr. Stevens opens his discussion with a review of the patterns of humanistic research and teaching. This is a more or less theoretical section, which identifies the sources of the humanities as falling under four categories: languages, histories, philosophies, and literatures. He then devotes a chapter to each of these categories and concludes with two chapters which treat new areas of research and teaching, and the need for balance in studies.

The tone of the book is vigorously optimistic, so much so that often when the author is describing in general statements the condition of the humanities in American education, one feels that the declarative "is" should be changed to "ought." In particular, when he asserts that departmentalism in universities is

much less powerful than it used to be, he seems to be flying in the face of much relevant evidence. On the other hand, it is high time that some one brings to the attention of the gloom mongers among the humanists the record of concrete achievement which has been wrought in the last half century.

Mr. Stevens is unwavering in his insistence upon the supreme importance of the human individual, whose freedom and responsibility it is the task of the humanities to serve. Perhaps a clue to his attitude can be found in his central chapters which deal with languages, not Language; histories, not History, and so on. This bespeaks Mr. Stevens' profound belief that the highest obligation of the human being is to make up his own mind by exercising a discriminating sense of values as he chooses his own course of action out of the plurality of alternatives available to him.

Mr. Stevens is at his best in the sections on languages and literatures in which he shows how the humanist scholar and teacher, whether he is dealing with problems of simple communication or with a master work of literary art, really occupies a position of the highest significance, for through him ultimately as an interpreter comes the public understanding of the material in question. Although the deep relationship between history and philosophy is explored with nicety, the section on philosophies leaves something to be desired because it concentrates too much upon the thought of the recent past without establishing its connections with the whole tradition of philosophical speculation. In the chapter devoted to new possibilities for research and teaching, Mr. Stevens gives a complete conspectus of the area study programs now in existence in the country with an indication of the needs in the future. Unfortunately, he has little to say about the role of the fine arts and music as humanities.

Anyone who believes that the humanities are the concern of all men can understand the grounds of his belief much better by reading this book.

WHITNEY J. OATES

Princeton University

BLACKHAM, H. J. *The Human Tradition*. Pp. vii, 252. Boston: The Beacon Press, 1954. \$3.00

Here is a deep-running treatment of what Blackham considers to be the chief ideological schemes competing for contemporary loyalty. Marxian Communism, Christianity, and secular or scientific humanism are re-examined with a penetration and breadth of perspective that commands respect. It is an "iceberg book," most of its significance lying beneath the surface.

Blackham demonstrates that he is thoroughly at home in the humanist tradition. As secretary of the Ethical Union in England, editor of *The Plain View*, a humanist periodical, and co-author of *Living as a Humanist*, he has become an authority on the humanist point of view. Those who line up with the Marxians or the Christians, who believe in the church, must reckon with him.

In order "to inspire a will to civilization and inform a vision of it" (p. vi), one must realize that science and democracy unencumbered by theology or dialectical materialism are the two wheels which make human progress practicable (p. 237). The "heady idea of progress" as something inevitable in nature is "clean gone" (p. 236). Blackham confesses with due modesty that humanism has not yet reached "an intellectually coherent and compelling form" (p. 210), yet he believes its critical "love of culture" (p. 208), its orientation in actual human problems, provides the most persuasive incentive for providing such remedies as evils may ever have (p. 188).

To reject Marxianism for any but the strongest reasons would be frivolous for it, not the thought of Hegel and Bergson, constitutes the watershed of modern thought (p. 100, cf. 97, 140). It is "a grand vision and none has been so near the truth" (p. 109). Consequently, it is "a threat to something considerably better" (p. 143), presumably humanism. But Blackham rightly shows that Marxianism vitiates itself by holding up such an inspiring ideal of vigorous effort at social reform, when the dialectic of history is then held to be necessitarian. Ideals as consciously chosen ends are basically irrelevant in such a scheme. His conclusion is acute that Com-

munist is the response of backward people to the challenge of the industrial revolution as they seek quickly to equip themselves for survival in such a vastly changed world (p. 243).

Blackham's indictment of historical Christianity as a destroyer of civilization (p. 171) gives only one side of its course. His conclusion that its lasting contribution has been its challenge to man's confidence in himself and the self-sufficiency of things (p. 172) lies much nearer the truth. Nevertheless, this is a negative conclusion which ignores its tremendous power of inspiration for personal morale and social reform. That Christianity has become a complex private philosophy in which the masses are not interested or sufficiently competent to comprehend (p. 201), raises wrinkles in one's brow. This thesis may have enough truth in it to hurt.

One might quarrel with Blackham's definitions of such terms as "ideology," "science," "morality," "philosophy" (pp. 61, 70, 74, 55), but none is trite. All illuminate the subject, and that is of course the chief purpose of definitions. Yet when he comes out with a purely empirical theory of ethics where the good life is taken largely to be what is actually chosen to be good by the greatest number (pp. 81-83, 87), this is only psychology. Humanism here reveals its thinness. Its frail love of ideals posed as what life *ought* to become, to say nothing of its disdain of theism and metaphysics, leaves most of us cold.

LOUIS WILLIAM NORRIS

MacMurray College

HALLOWELL, JOHN. *The Moral Foundation of Democracy*. Pp. x, 134. Chicago: University of Chicago Press, 1954. \$3.50.

The early decades of the Twentieth Century saw the devotees of values and faith in intellectual circles fighting a defensive and rear-guard action. This makes the unmistakable change of the last ten years all the more significant. The atom bomb and the march of Communism have sent more than the natural scientists to their knees. While the physicist unloosed the atomic age, it was the task of the social scientist to control it, and it is no exaggera-

tion to say that he was almost totally unprepared.

Professor Hallowell's excellent book is symptomatic of the new trend. His main thesis is that the democratic way requires the Hebraic-Greek-Christian faith to undergird it.

In a succession of critiques of varying potency he attacks the anti-intellectualism of Pareto, Arnold, Freud and others, basing this attack on their necessary reliance upon intellectual weapons to demonstrate the fallacy of rationality. He then turns his attention to their opposites: the positivists and the modern liberals. The positivists by limiting their methods and "knowledge" largely to the natural sciences knocked out the props of ethics, faith, and conscience. These latter had subjected man's desires to refining and restraining forces which were required if he were to be a good citizen. Liberalism, influenced by positivism, had degenerated until natural rights had become merely legal rights—and the latter had no norm other than the will of those in power. Pragmatism subjected truth to the domination of human desire, erecting "wishful thinking" into a philosophy of life. Here the reviewer believes the author has slipped a bit, for later on he holds, "Man does not make his nature; he must conform to it." If our nature is true to the purpose for which we were created, then experience would validate this truth. While pragmatism is dangerously weak as a basic argument, it may well be useful to buttress conclusions as to the essence of morality arrived at on other grounds.

Professor Hallowell's affirmative case is powerful. Democracy must be grounded in the kind of individual that will make it work. That individual must believe he has responsibilities transcending the demands of the natural world. As a free man, he must accept principles of conduct as universally valid, and the obligation to discover and abide by these principles. In this he needs the help of a Higher Power, to turn his redemption from evil into an effective reorientation of his personality. He must regard his fellows as moral and rational beings, equal in the sight of God. Freedom is freedom under the laws of the universe by which laws human enactments

are to be judged. We submit to the will of the majority only on the basis of the latter being reasonable and devoted to the common good. A Christian theology is a necessity if democracy is to survive and spread

ERNEST S. GRIFFITH

Library of Congress

HALLGARTEN, GEORGE W. F. *Why Dictators? The Cause and Forms of Tyrannical Rule Since 600 B.C.* Pp. xiii, 379. New York: The Macmillan Company, 1954. \$5.50.

"Hardly anyone," writes author Hallgarten, "has as yet published a comparative analysis of the political technique of dictatorship and of the social and political chances that favored the careers of a few dozen mortals at the expense of other candidates less assisted by Fate. The present book is meant to fill this gap."

It is apparent that Mr. Hallgarten takes a dim view of most other studies of dictators and dictatorships. Of Jonathan Chambers' book on *Dictators*, for example, Mr. Hallgarten laconically says it "does not meet expectations raised by its title." After reading his own book I am inclined to repeat after him, "does not meet expectations raised by its title or its declared purpose." At any rate, Mr. Hallgarten hasn't answered the question his title poses, "Why Dictators?"

This is not to say the book is without interest. Indeed, it is filled with an astounding miscellany about dictators. Tales are told of Caesar's love life, and of the loves (natural and perverse) of Pisistratus of Athens, Dionysius I of Syracuse, Caesar Borgia, Napoleon, Hitler, and others. Their addiction to pomp and splendor, to monument building, censorship of art and thought, is described. We are told of their deeds and misdeeds in the fields of law and administration, taxation, foreign policy, war and peace. Mr. Hallgarten reminds us that although dictatorship is a hazardous and often short-lived trade, it is not unremunerative. "In the year X of the [French] Republic," he writes, "(1801-1802) the fortune of the former penniless lieutenant [Napoleon] was already 17,000,000 gold francs [sic] (well over \$5,000,-

000)." Giangaleazzo Visconti is reported to have had an income in excess of £4,000,000 a year, and many another dictator did almost as well. Some dictators, we are told, are downright sadists, although it isn't quite clear whether it is sadism that makes for dictatorship or vice versa.

For the most part, Mr. Hallgarten's book is one of just such bits and pieces without much in the way of theory or structure. The Soviet dictatorship of Russia—more particularly under Stalin—comes in for more extended treatment, but without much that is new in either fact or theory.

According to the author, dictatorships assume one or more of four basic forms. These are (1) the "Classical," associated with a rising and flourishing money economy; (2) the "Ultra-revolutionary" or Communist dictatorships; (3) the "Pseudo-revolutionary" or fascist dictatorships; and (4) the "Counter-revolutionary" dictatorships, like those of military juntas in Spain or Latin America, which are more or less legitimate offspring of the fascists.

In describing these basic forms, Mr. Hallgarten paints on a large canvas. Every dictator he or anyone else ever heard of is here, if only for a word or two. The result is a book not unlike those heroic paintings in which hundreds of minor figures not only blot out the landscape but one another as well. In the end, this reader at least was left still searching for an answer to the question Mr. Hallgarten posed at the beginning—Why Dictators?

PETER H. ODEGARD

University of California, Berkeley

MUNK, ARTHUR W. *A Way of Survival*. Pp. 164. New York: Bookman Associates, 1954. \$3.00.

As the cold war has unsettled the minds of men and fear has created psychological fox holes, philosophy and religion have been re-emphasized to expand horizons, give new perspectives and reaffirm a shaken faith in the future. It might be expected, therefore, that an author who tends to view all problems in terms of "social philosophy, ethics, and theology," and who writes on the international crisis of our time has an attentive and ready-made audience. Dr. Munk is the chairman of the

Department of Philosophy at Albion College and has recently written *History and God*.

Part I of this book looks toward an adequate philosophy of peace. The author surveys and deplors such dangerous philosophies as materialism, fatalism, escapism, relativism and dogmatism. Cromwell's injunction against dogmatism is noted: "By the bowels of Christ, I beseech you brethren to remember that you may be mistaken." The author's own philosophy would be universal and comprehensive and it would support the absoluteness of truth and moral law, affirm a central humanism, and be characterized by a realistic idealism.

Part II of Mr. Munk's essay is concerned with an adequate peace strategy. He distinguishes between the supposed enemy, Russia, and the real enemy, the third world war. His approach to the prevention of war is synoptic and he is optimistic in noting "signs of hope." His "stars in the night" include the United Nations, neutral nations, and peace-minded minorities. Finally, the author believes that the crucial hour has come when not less than eight significant steps must be begun toward peace. These one must read for himself to appreciate. Mr. Munk concludes:

"Rough and difficult as the way to the temple of perpetual peace may seem during our darker hours, yet we must never despair of finally reaching it. . . . business, labor, the farmer, certainly all teachers, and above all the mothers of men whose sons the terrible Mars ever and anon demands in bloody sacrifice—all these must be rallied in one mighty endeavor for survival and a better day."

To support his case the author is generous in his citation of the *Bible*, various religious and philosophic writers, and the *Detroit Free Press*. It is to be hoped that these authorities together with the homespun style of Mr. Munk will be sufficient to arouse the ordinary reader, if not the scholar, to the danger and possibilities inherent in the present world situation. If the author's peace strategy has the ring of appeasement rather than peaceful conciliation, it would only suggest how far Ameri-

can opinion has drifted toward world war III.

MARTIN B. TRAVIS, JR.
Stanford University

COMMONWEALTH OF NATIONS

HUGHES, PHILIP. *The Reformation in England*. Vol. II: *Religio Depopulata*. Pp. xxv, 366. New York: The Macmillan Company, 1954. \$7.50.

This is the second of two large volumes designed to retell the story of the English Reformation. A third is yet to come. The extent of the work provides something of a key to its fullness. The table of contents—eleven pages of fine print—is reminiscent of the Victorians. The illustrations, photographs of portraits and documents are numerous, handsomely executed, and fully annotated. Documentary appendices, a bibliographical note, and an excellent index complete the book. It is rather refreshing in this age of short cuts and the tyranny of high printing costs to see scholarship reclaim these externals of its time-honored kinship with leisure and contemplation.

The author works within the traditional framework, but does not, in the main, follow traditional interpretations (traditional at least in some countries). Not all of his contentions are new. Mary Tudor has already had a good deal of rehabilitation. Only the wholly prejudiced fail now to recognize harshness towards heretics as a malady of the age, not a single group. The myth of Edward VI as patron of education was long ago exploded. And few will rush to the defense of Henry VII, though there will be more who are reluctant to see Lady Jane Grey shorn of her timorous glamor.

Still there is much to offer new food for thought. Pollard, whom the author selects as a spokesman of the views he wishes to refute, is challenged again and again. His treatment of Bishop Gardiner's defense is labeled a "complete misunderstanding" (p. 94) and that of Cranmer's views on heretics a "masked apologetic" (p. 132). His interpretations of Cardinal Pole, the mar-

riage negotiations of Philip and Mary, John Foxe's use of "facts," Mary Tudor's motives for punishing heretics, and other key points are all refuted. Some corrective was certainly needed; but it is doubtful whether as stalwart a giant as Pollard can be so completely demolished, and because of its controversial nature the chapter on "Changes in Belief" will probably not prove wholly acceptable to everyone, though its presentation of the contents of important documents will surely be welcomed by all scholars.

Students particularly interested in the interaction between the Reformation and contemporary social and economic developments will find especially rewarding the chapters that deal with the popular reaction to the ecclesiastical changes, the uprisings, and the role of the "new men"—"My father made the more part of you out of nothing" (Mary Tudor—p. 174)—all adding fresh material if not wholly new interpretations. The final chapter "Dissension in Both Camps" is one of the best and should go far towards breaking down stereotypes that have grown up among the descendants of both camps. Whether regarded as a corrective or as a new challenge this book is an important contribution that no scholar of the period can ignore.

MILDRED CAMPBELL

Vassar College

GIPSON, LAWRENCE HENRY. *The Great War for the Empire: The Culmination, 1760-1763*. (The British Empire Before The American Revolution, Vol. VIII.) New York: Alfred A. Knopf, 1954. \$7.50.

In a recent essay on historical scholarship Professor W. Stull Holt decries the vogue of specialization and monographic preoccupation on the part of contemporary American historians. He mentions Professor Gipson's great study of *The British Empire Before the American Revolution* as the outstanding exception to this trend and the most distinguished multivolumed history written thus far by an American historian in the twentieth century.

The volume under review is the eighth in the series with three more to come.

Starting with the threat of French invasion of the British Isles in 1760, which was averted by the great English naval victory at Quiberon Bay, the historical narrative then proceeds to narrate the rising fortunes of Britain against France and her ally, Spain. The scene of battle is world-wide as the author recounts accurately and in detail the British conquests of Montreal, Guadalupe, Senegal, Pondicherry, Havana, and Manila. The reviewer, whose main interest is the British period in Indian history, was impressed with Professor Gipson's two chapters dealing with Anglo-French rivalry in India. One finds an accurate and comprehensive picture of the complex state of Mogul politics and the interaction of the designs of native potentates with those of French and English leaders.

The author seeks to destroy the old historical myth that British victory in the colonies was won in Germany, that Pitt's Prussian alliance was the major factor in the defeat of France. The real reason, the decisive factor, according to the author was superior naval power in the hands of Britain. This was the major key to victory.

In this volume one feels Professor Gipson's love of his subject, his admiration for the heroism and reliance of the "embattled island kingdom." He writes always with sympathy and often with admiration for the various British statesmen and commanders who played a leading part in the exciting duel for empire. Even George III, formerly so severely castigated by our older school of historians, ceases to be an ogre and appears as a king temperate in his habits, deeply religious, conscientious in his royal duties if mistaken in his policies. The volume concludes with a justification of the claim that the so-called Seven Years' War was one, not for empire, but for *the* empire; for the preservation of the British Empire. This point is buttressed by showing how moderate and reasonable were the peace terms incorporated in the Peace of Paris.

Three additional volumes dealing with the theme of the Triumphant Empire have been planned by Professor Gipson. The reviewer speaks not for himself but for the larger fraternity of historical scholar-

ship when he expresses the hope that the author, septuagenarian as he is, will be able to complete his magnum opus.

T. WALTER WALLBANK
University of Southern California

UPTHEGROVE, CAMPBELL L. *Empire by Mandate: A History of the Relations of Great Britain with the Permanent Mandates Commission of the League of Nations*. Pp. 239. New York: Bookman Associates, 1954. \$3.50.

Nonself-governing territories present many difficult international problems, even if it seems evident that traditional colonialism is suffering a slow but certain death. The "in-between" period of transition from colonialism to nationalism is made less difficult for such areas whenever the international trusteeship system is permitted to function: orderly evolution and not revolution is thereby offered as the means to eventual independence.

Back of many recent developments is the tendency of other powers to follow Britain in surrendering the ties and the philosophy of outmoded colonialism.

A concise history of the relations of Great Britain with the Permanent Mandates Commission which operated under the League of Nations has been long overdue. *Empire by Mandate* fills this gap, being a detailed analysis of British experience in policy and practice in administering the several nonself-governing territories mandated to that empire following the First World War.

The book explains the mandate system and discusses the general problems affecting the British mandates down to 1941. Separate chapters concern the island of Nauru, British Togoland, the British Cameroons, Tanganyika, Iraq, Palestine, and Trans-Jordan. The creation of a free Iraq was the greatest achievement in the relations between Great Britain and the Mandates Commission, the latter's contribution being to set up criteria for determining Iraq's capacity for independence. The greatest difficulties, conversely, came over Palestine. As for Palestine, the Mandates Commission approved neither Britain's proposal of 1937 to divide that country into three parts nor

its plan of 1939 to grant independence to it after ten years.

Yet one looks in vain for anything of current developments in this study. Nowhere is the Trusteeship Council mentioned. The work simply covers an historical interval and is presented almost as it was first written. The present tense, which is widely used, consistently means 1941 and not 1954. Thus the reader himself must draw contrasts and comparisons with the developments since 1941. But even this earlier interlude suggests that a reader might well speculate, to discern what lessons can be learned now from the situations of the 1920's and 1930's. This reviewer's speculation makes the contrasts seem more striking than the comparisons, because colonialism, nationalism, and Communism are all involved (as best illustrated in Indochina) in the present widespread moves for national independence.

VERNON J. PURYEAR

University of California

RITCHESON, CHARLES R. *British Politics and the American Revolution*. Pp. xv, 320. Norman: University of Oklahoma Press, 1954. \$4.00.

For some time it has been a complaint among British students of the eighteenth century that their American colleagues have not yet fully appreciated the difference their researches have been making to the generally held view of British politics in the reign of George III, and so to our understanding of the causes and nature of the American Revolution. To some extent Professor Ritcheson's study will provide an answer to criticism of this kind, though it is to be regretted that the limitations of space which he has imposed upon himself prevent him from doing more than indicating the lines upon which he has been working and put considerable obstacles in the way of the general reader. The book will thus hardly stand comparison with the first volume of Professor V. T. Harlow's *The Founding of the Second British Empire* which appeared in 1952, but it not referred to in the bibliography. Furthermore Professor Ritcheson is inclined to take for granted a perhaps oversimple interpretation of the Revolution of 1688 and

would have done well to check his views against another work which he omits from the bibliography, Professor G. H. Guttridge's *English Whiggism and the American Revolution*. Professor Pares's *King George III and the Politicians* was presumably published too late for Professor Ritcheson to use, but it would have helped to clarify the constitutional issue. It suggests that Professor Ritcheson attaches too much importance to the view that there was opposition to the strengthening of the Crown in America largely on the ground that it might then be too independent of Parliament at home. Again, Miss L. S. Sutherland's *The East India Company in Eighteenth Century Politics* (1952) would have been usefully referred to in connection with Professor Ritcheson's allusion to India as an alternative source of imperial revenue after the Seven Years' War.

The chief criticism against Professor Ritcheson must however be that he has got himself involved in a confusion of his own making. His thesis put briefly is this: the answer to the problems of Anglo-American relations in the second half of the eighteenth century should have been a *federal* one. This was not possible because although British opinion moved under pressure in this direction—a process culminating in the Carlisle Peace Commission of 1778—it would have meant the abdication of the monarch from a direct role in politics, and his willingness to become a mere symbol of unity between the different parts of his dominions. This did happen, so Professor Ritcheson assures us, but only after America was lost. There is thus a direct connection between the modern Commonwealth and the American Revolution. In reality this line of argument breaks down for the simple reason that the modern evolution of the Commonwealth has not been in a federal direction at all. Federalism—meaning the distinction between "local" and "imperial" affairs—had a long and subsequent history but every time proved unworkable. To call the association of independent nations which form the Commonwealth a federal system is strange doctrine from a countryman of the authors of the *Federalist*. Professor Ritcheson has made admirable use of British archives and

drawn many plums; perhaps the process left him no time for a study of our contemporary institutions.

MAX BELOFF

Nuffield College
Oxford

BOWLES, CHESTER. *Ambassador's Report*. Pp. x, 415. New York: Harper & Brothers, 1954. \$4.00.

It has been apparent for some years that American opinion regarding the untoward course of events in Asia has reflected considerable frustration and fear. It has also been apparent that the policies of the government of India, since the attainment of independence in 1947, have contributed to public bitterness in this nation. To many of us it also seems apparent that public bitterness about Asia has in large part been the product of public ignorance regarding the mainsprings of thought and action in that distant part of the globe.

For this reason, if for no other, a new book dealing with part of the contemporary Asian scene demands careful reading from the reviewer before it can be recommended to the public. When a work covers India and other aspects of current events in Asia it merits even greater attention. If the book proves to be illuminating it merits considerable approbation and support. If it goes so far as to explain to Americans how important segments of Asians think and why they think that way, it is almost a miracle.

Chester Bowles, recently our Ambassador to India and Nepal, provides such a volume, and it certainly merits careful and extensive reading from Americans. His book will also receive this reviewer's constant support, even though he may have to quibble with bits of it. For, writ large, his effort is to explain to an American public that is increasingly unhappy about the course of events in Asia, what the Indians are about and why they are motivated as they are. I can think of few tasks that need doing more urgently.

Since Mr. Bowles tries to say a great deal in a few pages he has, at times, to oversimplify . . . cut his explanation so short that it distorts some of his implications. In other places he allows his natural

optimism to carry him away, as in his chapter on the Indian village development program. In spite of this the bulk of *Ambassador's Report* is thoughtful, acute, and perceptive.

We are faced with the task of leading a coalition of free nations and in order to measure up we are required to comprehend the views, attitudes, and aspirations of the millions of people who should be part of our coalition. Mr. Bowles's book does a fine job of explaining to this country what the people of South Asia think. At the same time his constructive proposals merit the most serious attention from our public. Finally, the very tone of his book constitutes a primer for Americans in the difficult task of working with other freedom-loving nations in defense of a common value—liberty.

ROBERT I CRANE

University of Chicago

ANGUS, H. F. *Canada and the Far East, 1940-1953*. Pp. x, 129. Toronto: University of Toronto Press (issued under the auspices of the Canadian Institute of International Affairs and the Institute of Pacific Relations), 1953 (released 1954). \$3.50.

To attempt in just 119 pages both an account and an interpretation of Canada's relations with the Far East and Southeast Asia since 1940 (pp. vii & 3) may be fashionable, but two careful readings of Professor Angus's slim volume have caused this reviewer to wonder whether brevity is not just another of the false idols to which historians have paid homage in the past.

Canada's hitherto unimportant role in the Pacific Professor Angus ascribes to the operation of three factors. First, Canada is not Pacific-oriented—"the primary interests of Canadians . . . lie elsewhere" (p. 101). Second, because of its traditional Atlantic orientation and small-to-middle power status Canada has no distinctive Pacific policy—it is merely "the resultant of Canadian policies in general" (p. vii). Third, Canada's position on any particular Pacific issue is "inevitably" influenced by its Commonwealth membership, but most of all by its close proximity to the United States—Canadian policy, "if it is to be

effective, cannot deviate far from that pursued by the powerful neighbor" (p. 40). Canada's involvement in the Korean war, its participation in the Japanese peace treaty, and its current most-favored-nation trade treaty with Japan seem to indicate an increasing Canadian interest in the Pacific region.

The account of Canada's relations with "the countries beyond the Pacific" that Professor Angus has given is thin, disjointed and unbalanced as compared to that which appears in Professor A. R. M. Lower's *Canada and the Far East—1940* (which, incidentally, this reviewer has just reread). For example: Can Canada's post-war "contacts" with Indonesia and Indochina be truly described in just thirteen and forty lines, respectively? If the special "qualities" of Canadian nationalism have influenced Canada's attitude to the new Asian nationalisms, why is so important a theme given but two-thirds of a page (p. 9)? If "trade . . . has been traditionally at the heart of Canadian interests in the Far East and the principal determinant of Canadian policy there" (p. 67), why is there no description of either the character or value of this trade? Finally, is there actually so "little Canadian opinion about the Far East" (p. 101), that parliamentary debates, newspapers and public opinion polls can be completely ignored in favor of a lengthy exposition of the official point of view?

MURRAY G. LAWSON

Arlington, Virginia

SLAVIC COUNTRIES

GRANICK, DAVID. *Management of the Industrial Firm in the USSR: A Study in Soviet Economic Planning*. Pp. xiii, 346. New York: Columbia University Press, 1954. \$5.00.

The symbolism of planning has exerted an enormous attractiveness in the modern world since it conjurs up a vision of accurate and orderly prevision in men's affairs by contrast with the painfully visible muddling of our present mixed economy. Technicians of the Central Planning Board

will somehow, it seems, establish consistent instructions for every unit in the economy, and each firm will only have to carry them out. A plant manager, here, would bear no resemblance to the old decision-making capitalist entrepreneur.

But in the USSR, where a planned economy is said to have been established, is this the way plant managers operate? The evidence presented in the highly rewarding study under review shows clearly that it is not.

Professor Granick has made a pioneering study of industrial administration in a totalitarian society, carefully based on inductive evidence from primary sources. His analysis will permit all those who are interested in planning, socialism, decision-making, public administration, or institutional economics, to add the flesh of experimental evidence to the bony abstractions of previous speculation. And they will probably be forced to revise at least some of their views.

The book applies the tools of an interdisciplinary social scientist to evidence collected, not only from hundreds of Soviet operating decrees, but also from thousands of day-to-day cases of management activity reported in the newspapers and journals published for domestic circulation within Soviet industry. It is a good example of the kind of research which is gradually putting our understanding of Soviet society on a solid foundation. And its general findings, based on internal literature for the 1934-41 period, are given dramatic confirmation by an independent analysis of Soviet firms based on exhaustive postwar interviews with a group of former Soviet plant managers (see Joseph S. Berliner's report in the *Quarterly Journal of Economics* of August, 1952). The two scholars do not reach identical interpretations, but they are clearly describing the same system.

After an opening survey of the organizational framework within which the Soviet firm operates, a sketch of typical personality types found among plant managers, and an excellent description of the process of plan making, the author devotes eight chapters to analysis of: (a) interaction between centralized controls and independent activity by the directors of firms, (b)

criteria for the evaluation of managers' performance and devices for stimulating maximum effectiveness, and (c) party and worker participation in the decision-making process. He concludes with a stimulating twenty-four page discussion of bureaucracy, performance criteria, and the role of "politics" in economic affairs.

To this reviewer, at least, it seems clear that the vague slogans of "State ownership of the means of production" and "a planned economy" fade away when confronted with the complex problems of a modern industrial society. Certain arrangements "work"; others do not. Professor Granick's evidence suggests that the Soviet plant manager is not utterly unlike his capitalist counterpart. Yet the two systems are by no means identical, and it is important both scientifically and ideologically that we should be deeply informed concerning the differences. The contribution of this book toward improving our understanding in this field is a substantial one.

HOLLAND HUNTER

Haverford College

GUINS, GEORGE C. *Soviet Law and Soviet Society*. Pp. xv, 457. The Hague: Martinus Nijhoff, 1954. Guilders 27 50

The author, a former Imperial Russian judge now teaching Soviet law at Berkeley, has set as his task the preparation of a manual contrasting Soviet legislation with the fundamentals underlying the law of the West. Soviet law is described as an instrument of politics whose detailed study is valuable only as an indication of Soviet policy and current trends in the Soviet Union. The principal trend is found to be increasing centralization of authority with consequent reduction in personal freedom. No student of Soviet politics will quarrel with this finding. The author then goes further to declare that he expects no reversal because socialism cannot produce the abundance promised. Consequently, the continuing poverty of a large segment of Soviet society will evoke ever increasing harshness to preserve order for the benefit of a favored few on whom the top leadership must rely for support. Proof of this thesis is found especially in recent in-

creases in penalties for crimes of violence and for theft.

To cover the whole field of public and private law and the economic conditions of Soviet society in brief space, the author has necessarily had to compress his material greatly. There is no room for shading or speculation. Perhaps for this reason, the valuable case material available is omitted almost entirely with a consequent loss in reader interest to those trained in the common law. Perhaps also, it is necessary to adopt the view of a single school of jurisprudence as representative of the western thinkers. This leaves Dr. Guins saying that the West rejects Soviet law because it contradicts the psychology of the ordinary man. For proponents of other schools, no less hostile to Marxism, this may seem to be an oversimplification.

For political scientists the chapters on international law will probably have primary interest, for the author has demonstrated with abundant references that the Soviet position shifts to meet the needs of the occasion. The chapters on the structure of the state and the Communist party plow fields which have already been crossed several times in good English language books.

Dr. Guins' study should be judged for what it is—an instrument for use in winning literate men without legal training to our side in the cold war. As such, it has undoubted value as evidenced by the fact that its publication in Holland was instigated by the Secretary of the International Commission of Jurists. If judged as a contribution to what is known already by American political scientists and lawyers, the book is able to add little of depth to present knowledge because it treats of too many subjects in too little space.

JOHN N. HAZARD

Columbia University

KÁLLAY, NICHOLAS. *Hungarian Premier: A Personal Account of a Nation's Struggle in the Second World War*. Pp 518. New York: Columbia University Press, 1954. \$6.00.

Kállay's book is essentially an *apologia* justifying Hungary's politics since 1918 and defending his own wartime policies. In

addition, he ascribes the present plight of Hungary to Allied decisions preceding, during, and following two world wars. The author explains how at the end of World War I the Allies "mutilated" Hungary, although neither she nor Austria, he says, is responsible for the war. The students of prewar diplomacy will learn that Germany "presumably had imperialist objectives" but that the Dual Monarchy entered the War in "pure self-defense" (44).

The author's observations on prominent personalities, political parties, and social classes in interwar Hungary are both interesting and illuminating. He has nothing but scorn for those who exaggerate the evils of Hungarian feudalism. Hungary, according to the author, could not become a democracy because her enemies "called themselves democrats" (28). Kállay speaks of his nation's neighbors with an air of arrogance and conceit. Hungary in his opinion represented an eastern extension of the western and Roman system; other peoples in eastern Europe were "Oriental pseudodemocrats" (27). He regards Czechoslovakia and Yugoslavia as historical "fictions" (54-55), and his hatred of Edvard Beneš is indistinguishable from his hatred of Communism. The author presents his version of the history of Transylvania to disclaim any Rumanian rights to the territory (57-58).

Kállay goes to great pains to justify his wartime policy of attempting to preserve Hungary's independence and her peculiar system. The massacre of the Serbs at Ujvidek (Novi Sad) was openly discussed in the parliament, a situation which in his opinion would not have been possible in a satellite country (107-111). Incidentally, our author insists, the massacre of the Serbs was perpetrated not by the real Hungarians but by the Hungarians of "German origin" (109); nor was the repugnant leader of the fascist Arrow Cross (Francis Szálasi) a real Hungarian but a Hungarian of Armenian-Austrian origin (93). In contrast, Kállay writes, the good and honorable Hungarians like the Zrinyis were "a noble Hungarian family of Croatian origin" (468).

The author describes Hungary's part in World War II and especially her difficult

position on 'the Eastern' front. Together with the Italians, he writes, the Hungarians defended long stretches of the front alone, while the Rumanians were favored by the presence of supporting German troops. The author tells us how he provided his Axis allies with the minimum of economic and military assistance, ordered the newspapers to circulate news from the West, and accorded the most humane treatment possible to war prisoners and the escapees. He distinguishes his reasonable anti-Semitic policy from the more ruthless program of the extremist groups.

The summary of the author's conversations with Hitler and Mussolini and the description of the author's visit to the Vatican are of some interest. Perhaps the most important part of the book is the author's discussion of the wartime contracts between his country and the western powers and the nature of the secret accord he had reached with the British in September 1943.

The book is an epitome of the beliefs and desires of the Hungarian gentry, and the author belongs to that group of prominent refugees who, while striving toward the liberation of Europe, have weakened their cause by perpetuating the old country nationalistic and religious squabbles on which the Communism they hope to destroy feeds and thrives. Indeed, he deliberately promotes the divisive forces and mutual antagonisms among the people of enslaved Europe instead of espousing the supreme goal of liberation from Communism.

The foreword sketches the interwar period of Hungarian history; it is sympathetically presented by C. A. Macartney, noted for his many works on Hungarian history.

WAYNE S. VUCINICH

Stanford University

WESTERN CONTINENTAL EUROPE

KOHN, HANS (Ed.). *German History: Some New German Views*. Pp. xi, 224. Boston: The Beacon Press, 1954. \$4.00.

The distinguished historian, Hans Kohn, has performed a notable service in col-

lecting and editing these essays written by German historians since 1945. The outcome of two visits Professor Kohn made to Germany in 1951 and 1952, the book includes two of his own introductory essays written in that superb style that has made the author famous as one of our great American historians.

The scholars represented in this book range from the recently deceased nonagenarian, Friedrich Meinecke, to his biographer, the thirty-four year old Walther Hofer, now *Dozent* at the Free University of Berlin. Eight of the historians represented are German, Dr. Hofer is Swiss, and Hajo Holborn, born and educated in Germany, now occupies the Randolph W. Townsend, Jr. chair at Yale University.

The essays are uniformly excellent. Karl Buchheim discusses the *via dolorosa* of the civilian spirit in Germany. Franz Schnabel, the leading spokesman today of non-Prussian German historiography, re-evaluates the Bismarck problem, concluding that the Iron Chancellor, despite his achievements, never realized that in history only those forces are preserved which devote themselves to world and historic goals. In another essay on Bismarck, Alfred von Martin tells his countrymen that they have trod the path of error, "because they are always impressed by the cavalryman's boot and a fist banged upon the table" (p. 100). Of equal merit are Hans Hertzfeld's treatment of militarism, Ludwig Dehio's review of Germany and the epoch of World Wars, Johann Albrecht von Rantzau on the glorification of the state in German historical writing, and Walther Hofer on revisionism in German history. Meinecke gives a penetrating picture of his predecessors, Ranke and Burckhardt, but fails to emphasize their misunderstanding of the moral and historical resources of Western modern democracy. In a brilliant concluding essay, Hajo Holborn calls for the formulation of a new German concept of history and new forms of social and political organization.

The importance of this book lies in the encouraging fact that German scholars have started seriously to face the trends and ideas of the recent German past. They have begun to understand the meaning and

consequences of State worship and blood-and-iron implicit in the rigid conservatism of Bismarck and the irrationalism of Hitler. They are now asking themselves whether the road followed by professional historians since Ranke has not been a wrong one, not as far as facts are concerned, but on the crucial matter of value judgments.

Professor Kohn's judgment of his collection of essays is a valid one: "There are some hopeful signs at present that several German historians are seeking ways which will help to integrate the Germans into the West and thus provide a new opportunity for their creative contribution to a common civilization based on a common heritage" (p. 43). The new trends of rethinking German history, evident in this book, may well be one of the factors deciding Europe's future. Professor Kohn's significant volume is indispensable for the large public interested in Germany's future as a member of the Western community of nations.

LOUIS L. SNYDER

The City College of New York

PETERSON, EDWARD NORMAN *Hjalmar Schacht, For and Against Hitler: A Political-Economic Study of Germany, 1923-1945.* Pp 416. Boston: Christopher Publishing House, 1954. \$5.00

Dr. Peterson has written a highly diverting account of the economic and political career of Hjalmar Horace Greeley Schacht, and of the vast backdrop against which he was to display his talents and record his failures. Schacht is portrayed as a man of many contradictions; a man courageous and able, but willing to compromise his principles if the occasion seemed important enough; a man of great vanity, but on occasion daring to speak out against the excesses of the party and the policies of the Fuhrer; a very politically conscious economist who was, however, capable of misjudging much of what was going on around him. Politically astute in many ways, he nevertheless, in 1936, was urging increased output of consumers' goods in order to sustain the demand for investment goods on which his conception of economic recovery depended; yet this at the moment when Hitler was about to order the Ger-

man nation to make itself ready for war, including "economic rearmament in depth," within four years. The surrender of economic power by Schacht, the sponsor of colonies, trade, and sound money, to Goering, the autarchic planner, was inevitable.

It was perhaps the misfortune of Schacht that his special talents lay in the realm of monetary control and international currency problems at a time when aggressive elements of the National Socialist party were becoming convinced of the essentially subordinate role of money and international trade in a dictated economy. Inflation, said Goebbels, could be made acceptable to the public by propaganda. International trade and the balance of payments, said Goering, were of little importance in a nation skilled in the art of Ersatz. Indeed, at times the recital of events in the not so distant past has a somewhat archaic ring; as, for example, Schacht's belief that Hitler would permit a restriction of Reichsbank credits to the government to hinder the pace of rearmament, or even to put a brake on the excessive spending of the Nazi party.

Interesting figure that Schacht is, the author's purpose is not primarily to attack or defend him, but rather to help the reader "better to appreciate the past and present problems of Europe, political and economic" (pp 15-16). This is a large order, which would seem to require a much longer book; but the author has succeeded in presenting a series of highly readable summaries of important political and economic issues. What is inevitably lacking in the treatment of such a broad subject in relatively limited space is sufficient detail to permit the reader in every instance to evaluate properly the author's opinions.

The author is to be congratulated for his thoughtfulness in preparing an extensive and very useful critical bibliography. Similar approval cannot be granted to the practice of relegating footnotes to the back of the book.

KENYON E. POOLE

Northwestern University

BRANDT, KARL In Collaboration with
OTTO SCHILLER and FRANZ AHLGRIMM.
Management of Agriculture and Food in

the German-Occupied and Other Areas of Fortress Europe: A Study in Military Government Pp. xxxiv, 707. Stanford, California: Stanford University Press; 1953. \$10.00

During the war years, Festung Europa provided the Reich and the Wehrmacht, with about fifteen per cent of their total grain supplies and a larger proportion of their meats, edible fats, and vegetables. But the normal surpluses of European countries were scarcely easy takings. First, Hitler's Europe contained important deficit areas; for these, new sources of food imports had to be provided in order to assure the bare minimum of subsistence or to maintain the flow of some surplus products, both agricultural and industrial. In addition, Germany supplied a large corps of agricultural advisers, managers and supervisors to assure necessary changes in the agricultural pattern and a flow of produce from the rural areas. This also required the formulation and management of a large number of incentive devices, and the establishment of some working relationships between occupying authorities and conquered, often unsympathetic, populations. Add to all this the unrealistic expectations and pressures on the part of the high command in Berlin, and one gets a general measure of the difficulties which the Germans encountered in establishing some more or less systematic inflow of foods and fibres.

It is indeed surprising not that exports from the occupied areas failed to achieve some theoretically attainable level but that enough were actually obtained to assure that food supplies would not interfere with the German conduct of the war. This achievement was partly a reflection of the skills of the German-appointed officials. It was also related to the degree of success with which German administrators were able to shield the economic and emotional realities in their individual areas of responsibility from the unreasonable expectations, attitudes and demands of Berlin. If there are general lessons to be learned from the German experience, they concern the importance of establishing programs in which both the foreign and indigenous authorities will want to co-operate for

mutually acceptable goals. In general too, the German experience supports the proposition that it is the advanced, intensive, productive agriculture which tends to be responsive to change, while it is in the underdeveloped areas, where technical practices and levels of output are relatively low, that adaptation is most difficult.

Dr. Karl Brandt and his associates tell the story of objectives and achievements with great skill. To understand performance, however, one needs not only the actual record of wartime food and agriculture developments, but also a full picture of the facts and interrelationships of European agriculture before occupation. Indeed, I would consider this last one of the most valuable contributions of the study. The book becomes one of the best references, at least in English, on European agriculture.

The real achievement of the study is in the analyses by individual country. Less was done in integrating these analyses. They are tied together partly regionally, partly by the chronology of Nazi occupation. There is of course some comparison of policies and performance in different areas. Could this be carried to a point where the effects of different kinds of specific incentives might be contrasted? The study has a brief concluding chapter in which German imports from all the occupied areas are aggregated. It would have been valuable to have a comparable total of the "exports" which Germany had to provide for these. This would also serve to highlight the purely domestic aspects of Germany's foreign agricultural activities. Some answers, particularly on this last, may be provided in another Food Research Institute volume, soon to appear, on the food and agricultural operations within Germany.

WILFRED MALENBAUM

Center for International Studies
Massachusetts Institute of Technology

SMITH, D. MACK. *Cavour and Garibaldi, 1860: A Study in Political Conflict*. Pp. xii, 458. New York: Cambridge University Press, 1954. \$8.50.

When this book came to my desk, I held doubts about \$8.50 and 458 pages for ten

months of Italian unification, all in good solid prose little relieved by sprightliness. I am now a convert. With the detail usually reserved for May, 1789 and July, 1914, Mack Smith has written an exacting, archival narrative of the Cavour-Garibaldi relationship during the exclusion of the Bourbons from the Kingdom of the Sicilies. This is a sharply delimited book. Scarcely is there mention of events before April, 1860 or after the following December. Rigorously excluded also are Cavour's general diplomacy, papal politics, economic development; Mazzini is peripheral. Minute actions of Garibaldi, or say Crispi or Depretis, are documented; whereas major actions of Napoleon III are merely reported.

After Piedmont under Cavour had annexed in 1859 and 1860 Lombardy, Parma, Modena, Romagna, and Tuscany, Garibaldi and his Thousand took advantage of a Sicilian revolution to seize the island and then the mainland south of Rome. This he did in full loyalty to Victor Emanuel and his minister Cavour in the expectation of adding the whole Kingdom of the Two Sicilies to Piedmont in the name of nascent Italy. Smith makes it clear that for many reasons Cavour, though committed to unification, feared Garibaldi's successes to the extent of doing all in his power to limit or block them. He feared regional autonomy, radicalism, and republicanism; for Cavour's liberalism stopped far short of manhood suffrage. He feared, too, French intervention at Naples or Rome precipitated by Garibaldian recklessness. Smith holds that Garibaldi and his followers were more able, generous, realistic than they are usually represented. Cavour, by preventing Neapolitan and Sicilian autonomy favored by Garibaldi, made Italy's "Southern problem" difficult. Although Garibaldi never considered revolt against Cavour or his king, Cavour willingly planned to stop Garibaldi by force. Hence Cavour's armed intervention in the papal states to forestall a loyal but "filibustering" Garibaldi. No wonder the book closes with a breach between Cavour and Garibaldi; the former triumphant, the latter broken in power and dejected.

Smith's researches, which include recently

available Cavour papers, are confirmatory more than revisionary. For individuals to whom the risorgimento and its international setting are well known, this book is rewarding and, indeed, almost imperative.

GARLAND DOWNUM

Arizona State College
Flagstaff

TURNER-HIGH, HARRY HOLBERT. *Château-Gérard: The Life and Times of a Walloon Village*. Pp. xviii, 297. Columbia University of South Carolina Press, 1953. \$5.50.

Most sociological and anthropological studies originating in this country deal either with primitive cultures or with "Yankee cities." In the present book, an American sociologist applies the "Middletown" approach to a community belonging to a non-American, yet highly civilized culture. Château-Gérard is the fictitious name of a real village in the French-speaking part of Belgium not far from the industrial city of Liège.

The smallness of this village (population 877) enabled the author to rely almost exclusively on his own observations and informal talks rather than on sample interviews, informants, and questionnaires. Historical analysis was the only nonobservational tool used extensively; justifiably so, since many of Château-Gérard's present day customs, beliefs, and attitudes can best be explained by tracing them back to their origins in feudal or even Roman times. The author was well aware of the danger that the object of his study might be modified by his studying it. To reduce self-consciousness and suspicion among the inhabitants, he became familiar with the region's dialect, a foreign language even to many French-speaking Belgians. Professor Turney-High combined the scientist's skill of precise observation with the artist's gift of sympathetic understanding to describe Château-Gérard's family, class, and occupational structure, as well as its social, political, and religious activities. So vivid and accurate is the picture which emerges, that this reviewer felt at once transplanted to this region which he has known since early youth.

Some of the generalizations, on the other

hand, are open to challenge, for example, that the Belgian party structure corresponds to class divisions (p. 180), or that secularism is less prevalent in Belgium than in the United States (p. 271). However, this is essentially a descriptive study. And yet, it provides much more than the description of the folkways of a particular village. Like Middletown, Château-Gérard is a *typical* community. It typifies rural life, not merely in Wallonia, but to some extent in many other parts of Western Europe. This book should therefore be of interest not only to the social scientist, but even to the American tourist traveling in Europe. It might help him to overcome some of his prejudices and to understand some characteristic aspects of the European way of life.

FELIX OPPENHEIM

University of Delaware

GRÉGOIRE, ROGER. *La Fonction Publique*. Pp. 360. Paris: Librairie Armand Colin, 1954. 1,200 fr.

M. Roger Grégoire is the first director of the Fonction Publique founded in 1945, French counterpart of the British Treasury and the American Budget Bureau. La Fonction Publique serves the national administration to assure, through harmonious relations, the efficacy of personnel and agencies.

The author has an active part in intellectual organizations such as the Institut d'Études Politiques and the École Nationale d'Administration. He officiates as emissary to the Organization of the United Nations. War, combat, citations, and captivity enhanced his stature as man and patriot.

The book tends primarily to emphasize the human factor in French public administration. The title *La Fonction Publique* "designates the ensemble of personnel which incarnates the administration." In the past one spoke impersonally of state employees, agents, and functionaries. Under the new formula the author accentuates their role in the compass of a social approach to their personalized official life and labor.

Stability of French officialdom rests basi-

cally on royal grants built around the corporative system of the *ancien régime*. It has survived the Reign of Terror; Napoleon I; the Revolution of 1848; the Second Empire of Napoleon III; World Wars I and II; and the implications of the syndicalist movement of the twentieth century foreshadowing the socialist state. But, with the enactment of the Labor Code of 1946 historic factual stability is no longer one of *garanties octroyées*, guarantees bestowed by gracious authority motivated by enlightened self-interest. Instead, stability has come to flow from *garanties légales*, statutory guarantees buttressed by formal legislation enacted with legalized participation of syndicalized public functionaries. The result is a new pattern of stability growing out of an itemized expansion of formal legal rights and duties comprising: schooling, examination, appointment, selection, training, advancement, tenure, toleration of conflicting political affiliations, formal recognition of syndical organization of functionaries, provision of social personal and familiar welfare, and retirement pension. *La Fonction Publique* is enriched by a comparative treatment of relevant developments in major countries of the West.

In a pregnant Preface M. Louis Camu, President of the Banque de Bruxelles and experienced in administrative legislation, protests that one should not write a preface to a book one would have liked to produce oneself. Yet, warmly sponsoring M. Grégoire's work, he justifies and supports the author's abiding faith in stability of France and her public functionaries despite the all-too-evident instability of French multi-party government.

JOHANNES MATTERN

Johns Hopkins University

PADOVER, SAUL K., with the collaboration of FRANÇOIS GOGUEL, LOUIS ROSEN-STOCK-FRANCK, and ERIC WEIL. *French Institutions: Values and Politics*. Pp. vi, 102. Stanford, Calif: Stanford University Press, 1954. \$1.50.

MÉTRAUX, RHODA, and MARGARET MEAD. *Themes in French Culture: A Preface to the Study of French Community*. Pp. xi, 120. Stanford: Stanford University Press, 1954. \$1.50.

These monographs form part of the Hoover Institute Studies of the "world revolution 'of our time,'" Dean Padover's in the Institutions Series, Drs. Métraux's and Mead's initiating the Communities Series. They approach from different and, to a certain extent, complementary angles the complex problem of analyzing the French community.

To this reviewer Dr. Padover's study represents an extremely valuable contribution to the understanding of contemporary France, but one in which the element of originality perhaps diminishes progressively. The first and most interesting section, based on a manuscript by Erick Weil, attempts to make explicit basic French values and to relate the difficulty and conflict encountered in reconciling them with the creation of effective political institutions. The ensuing section, written by François Goguel, traces more familiar ground discussing lucidly and succinctly the reflection of disagreements over the idea of democracy in the political structure of the Fourth Republic. Sections III and IV contain a largely factual exposition of social and material conditions, which the reader might wish had been more explicitly linked to French values, institutions, and policies. The title of the final section, "Foreign Policy," conveys the impression of an evaluation of France's external relations in the light of the ideas previously presented. Instead it is primarily a reprinting of an assessment of the reasons for France's defeat in 1940, plus highly condensed remarks on French Communism, neutralism, European Defense Committee, and Franco-German relations. There are useful appendices on parties, elections, and premiers.

The reviewer must of necessity consider the Métraux-Mead monograph with reference to its contribution in the field of political science. As such it is, like so many others of similar genre, alternately suggestive and questionable. Three sections focus on the foyer, the interacting locale of the family group, emphasizing the child's place therein, the process of his education, and the emergent individual's conception of the outside world. Additional sections present background papers analyzing the French Civil Code as it relates to the family,

analyzing certain French movies, and presenting French projective tests. The careful reader will find many insights into the origins of French attitudes toward political, social, and economic issues. In this sense the second study complements the first. Inevitably the reader will be troubled, however, by the fact that he must make these links himself on the basis of highly impressionistic evidence. He will also be constantly nagged by questions as to the extent to which the data presented is: a) common to most Western cultures, b) common to all French social and economic classes, c) common to French urban and rural environments. Finally, the reader will be both annoyed and amused at the inclusion of innumerable French phrases beside their English translations. If the authors wish to translate, let them do so. If they fear misunderstanding will result, let them leave the material in its original form. French, in short, might be treated as a less esoteric language than, say, Urdu or Bantu.

EDGAR S. FURNISS, JR.
Princeton University

OTHER COUNTRIES

CAMPEELL, ALEXANDER. *The Heart of Africa*. Pp. xii, 487. New York. Alfred A. Knopf, 1954. \$5.00.

The Heart of Africa, written by the Johannesburg Bureau Chief of *Time and Life*, is perhaps the best of the recent accounts on the social, economic and political situations and trends in that vast and variegated region of the world known as Africa South of the Sahara. Mr. Campbell is a knowledgeable and sophisticated reporter who, from his South African base, has traveled widely in the continent. In this volume he gives vivid and dramatic reports, varying in scope and depth, on selected developments in the Union of South Africa, Southwest Africa, Bechuanaland, Portuguese East Africa, the Federation of the Rhodesias and Nyasaland, British East Africa, the Belgian Congo, French West and Equatorial Africa, the Gold Coast and Nigeria. The best account is that on

the Union of South Africa; the reports on other areas are uneven in coverage and quality. Thus the reporting on Mau Mau in Kenya is superb and the interpretation of the realities in the Congo is perceptive, while the portrayals of Portuguese East Africa and French Africa are less adequate. The reports on the vital political developments in the Gold Coast and Nigeria, particularly the latter, are somewhat disappointing. Considering, however, the fabulously diverse and complex character of the territories surveyed, Mr. Campbell has done a remarkably good job.

In the final chapter, "Continent in Crisis," the author attempts to isolate the more important problems common to the areas surveyed and to generalize the basic trends observed. He quite properly places special emphasis upon problems of labor migration, land use, population pressures observable in some regions, the disruption of indigenous societies, and race relations. He is impressed by the profound social transformations occurring in Africa and emphasizes the revolutionary implications of these changes for the continent and the rest of the world. While he may overstate the extent and depth of these changes, his interpretation is essentially correct. Mr. Campbell perhaps occasionally overdraws the grim aspects of situations described. For example, he gives only limited attention to the forces in South Africa which may effect a more rational resolution of the tensions existing in that country, though admittedly the most optimistic observer would find it difficult to prove that a peaceful resolution of these tensions is certain.

In general, while Mr. Campbell's report does not penetrate "the heart of Africa," it does illuminate many facets of the African scene; and should, therefore, be welcomed both by the novice and the specialist in African affairs.

WILLIAM O. BROWN
Boston University

DAVIDSON, BASIL, and ADENEKAN ADEMOLA (Eds.). *The New West Africa: Problems of Independence*. Pp. 184. London: George Allen & Unwin, 1953; New York: The Macmillan Company. 1954.

This is a lively and at times penetrating review of Britain's colonial showpiece—West Africa. Her experiment at styling political and economic institutions in Nigeria and the Gold Coast according to her own historical development is watched by many with caution and by some, south of the Equator, with fear and dismay. The authors deal primarily with Nigeria's thirty million people and the four million inhabitants of the Gold Coast.

Geographically, West Africa is defined as that region lying to the south of thirteen latitude and to the west of thirteen longitude. Here dwell some sixty million Negroids of extraordinary diversity, ethnically and linguistically, in an environment ranging from dense and steaming tropical forest to barren desert wastes.

The aim of self-government is not a new one to the peoples of West Africa. Powerful despotic rulers of numerous kingdoms and tribes have for centuries battled one another in an endless series of subjugation and rebellion. Historical records, dating back to 957 A.D. when Arabian and Moorish travelers visited West Africa, give this region considerable time perspective and challenge seriously the conception of primitiveness. On the eve of European conquest, the Vai people of Liberia had virtually perfected the art of writing.

Nationalism in West Africa, as everywhere, is motivated by an economic seeking for improved standards of living. This motive has produced a solid ideological clash between the established chiefs and the commoners. It is against the former that the nationalist movements have thrown themselves with almost as much force as against the men of "sound administration"—the British colonial servants.

The authors establish a continuum of nationalism ranging from the tribal variety to a regionalism to nationhood and, finally, to a West African Federation. Politically, both Nigeria, a federal state based on a series of regional governments and the Gold Coast, a unitary state, have developed articulate party machines of both the right and the left, a civil service, and a hierarchical system of administration which remains so far somewhat top heavy and biased in

favour of an elite of lawyers, chiefs, wealthy farmers and traders.

Although political independence is round the corner, the authors insist that economic enslavement remains in the form of foreign investment and a policy of extraction without refunding by the United Kingdom. Purchasing power remains very low while wages are calculated on a subsistence minimum. The wisdom of accumulating forced savings for the African farmer-producer by numerous marketing boards, who pay the grower well below the world price, is seriously questioned. In 1950 all the British colonies earned more than was allocated by the British Government for colonial development over a ten-year period. Could this be the spark which fires the tinder?

PETER C. W. GUTKIND

Makerere College

Kampala, Uganda

TINLEY, J. M. *South African Food and Agriculture in World War II*. (Food Research Institute, Stanford University, Studies on Food, Agriculture, and World War II, No. 6.) Pp. xii, 138. Stanford, Calif.: Stanford University Press, 1954. \$5 00.

Although South Africa is best known for its mineral wealth, vital to its economy are exports of maize, deciduous and citrus fruits, hides, and skins which go largely to Europe. Its food imports include rice (which is important in the diet of the quarter-million Asians), tea, coffee, and wheat needed to supplement a small wheat harvest in the Cape.

Thus in 1939, when shipping was severely restricted, the Union faced the dual problem of agricultural surpluses and shortages.

South Africa fed most of its troops overseas as well as Italian prisoners of war brought to the country and furnished stores for enormous convoys calling at Capetown when the Axis blocked the Mediterranean. Wartime jobs were plentiful, and wages rose under competition for labor leading to marked changes in the consumption patterns of both European and non-European. They bought increasing amounts of fresh fruits, meat, eggs, bread, and butter. All this helped mate-

rially to solve the surplus crisis in agriculture but intensified the shortages. Even some vegetables which South Africa usually produced in abundance were scarce, and for a time no maize could be used for livestock feeding.

Food supplies held up well the first three years of the war but deteriorated the last three years—partly due to poor harvests. The government was loath to impose formal rationing, but after the war shortages became more serious and ration books were distributed. A last minute improvement in both domestic productions and imports staved off the actual operation of rationing.

Professor Tinley generally confines himself to a careful discussion of problems and how they were met. He implies that formal rationing would have been difficult but would have meant a more equitable distribution of food; that fertilizers were distributed where they did the most good; that the national diet shifted toward choicer and more expensive foods; and that in general the food situation was improved during the war years.

Students of agricultural economics and of South Africa are indebted to Professor Tinley, of the University of California Davis Campus, and to Merrill K. Bennett, director of the Stanford Food Research Institute, for this fine contribution.

EDWIN S. MUNGER

American Universities Field Staff

OSBORNE, HAROLD. *Bolivia: A Land Divided*. Pp. 144. New York: Royal Institute of International Affairs, 1954. \$2.50.

PENDLE, GEORGE. *Paraguay: A Riverside Nation*. Pp. 115. New York: Royal Institute of International Affairs, 1954. \$2.50.

LINKE, LILO. *Ecuador: A Country of Contrasts*. Pp. 173. New York: Royal Institute of International Affairs, 1954. \$2.50.

Among them, these small, but excellent volumes published by the Royal Institute of International Affairs present a good start for an understanding of the complexities of agricultural countries caught in an indus-

trial age. Of these Bolivia is, because of the importance of its mining industry, most involved with the outside world. But even here, "the majority of the Indians are still living entirely outside the money economy, on a self-sufficient agricultural basis." Out of 3,500,000 people, only 45,000 work in the mines, and at most another 150,000, including women and children, find an occupation in some industrial pursuit. The few cities, the middle class, and the government depend upon the outside world. The rest of the population has little need for, and less knowledge of, the nations beyond their immediate horizon. This indifference to the world is reflected in the fact that, out of 200,000 registered voters legally required to vote, only 50,000 cast their ballots in the election of 1951.

These three agricultural economies, with their large landholding systems and primitive techniques, have to abide in a world of expanding industrialization, increasing costs, and a continuing inflation. The demands for a higher standard of living go hand in hand with an ardent nationalism and a zest for social reform that makes it difficult to find the capital required for new industries. The economic and social history of these countries has discouraged capital accumulation, and shunted what was saved into nonproductive channels. The ruling groups have been luxury rather than productivity minded. These facts, combined with political instability, have put obstacles in the path of economic development.

But apart from these shortcomings, the cultural contrasts, and the great difficulties of transportation would have proven formidable barriers in an effort to combine the tropics and the highlands in a way that would have satisfied the needs of a national economy.

Of the three volumes under consideration, the one on Ecuador is most nearly a compendium of facts with little reflection upon their meaning, while the one on Bolivia is written out of wide contacts and unusual insight into the nature of the country, its people, and its problems. It is one of the best books on Bolivia available in English. The author is fully aware of the essential tragedy of the Andean

highlands entangled in an Indian heritage and a never fully assimilated Spanish conquest, and wedged against the demands of modern social reform movements and an impassioned nationalism. Mr. Pendle makes some reflections on Paraguay which deserve fuller treatment. Of these three countries, Paraguay is probably the most fortunate, not because it is richer or politically more stable, but because Paraguay has achieved what the others have not—national homogeneity and racial identity. All the Paraguayans are bilingual, sing their songs and write their best poetry in Guarani. Good indices and selected bibliographies add to the usefulness of the volumes.

FRANK TANNENBAUM

Columbia University

LONGRIGG, STEPHEN HEMSLEY *Oil in the Middle East: Its Discovery and Development*. Issued under the auspices of the Royal Institute of International Affairs. Pp. xiii, 305. New York: Oxford University Press, 1954 \$4.00

No words better describe this work than Brigadier Longrigg's own statement on page v of his preface in which "he hopes that his historical and factual method of approach and his intention of objectivity may give to these pages at least the value of a reference book which may be found to assemble and synchronize conveniently the practical oil history of a group of countries and companies. . . ." Both Brigadier Longrigg's hope and intention are admirably and expertly realized.

Oil in the Middle East is a painstaking, precise, and compact account of the development of the world's greatest oil reserve. It traces the industry from its establishment as a modern enterprise in the late nineteenth century to its present spectacular achievement. The book is skillfully organized on a combined chronological and geographical basis, thus enabling the author to give full justice to the effects of the exigencies of two world wars and the opportunities of peace upon the successes and failures of each country and company. The search for oil in the currently nonproducing countries receives the same consideration as for their more for-

tunate neighbors. Much attention is devoted throughout the work to the organization of companies, their political negotiations with the governments concerned, the terms of their agreements, and their field operations. The work is greatly enhanced by statistical appendices, which give measure to the magnitude of Middle East oil operations, and a set of maps which fix the necessary spatial relationships. From the point of view of coverage the book leaves little to be desired.

In recording the history of Middle East petroleum, the author tends to give precedence to the British position somewhat at the expense of recent American accomplishment. This is a natural consequence of the long period of British tenure in the area, strong feelings engendered by the nationalization of the Anglo-Iranian Oil Company (Chapter X entire), and the author's own background (British) as civil servant, military officer, and oil company negotiator and executive in the Middle East. There are few persons of any nationality, however, who are sufficiently experienced to provide the comprehensive view that Brigadier Longrigg has here accomplished. It is simply this reviewer's opinion that more stress on the significance of American participation in the Middle East petroleum industry, particularly in the realms of government and labor relations as well as technology, would have sharpened the focus of a volume already well trained on its objective.

DOUGLAS D. CRARY

University of Michigan

BARCLAY, GEORGE W. *Colonial Development and Population in Taiwan*. Pp. xviii, 274. Princeton, N. J.: Princeton University Press, 1954. \$5.00.

The reviewer is delighted to have the opportunity to make a few comments on this book since it presents a case history of the effects of traditional colonial development on population change in which he has been greatly interested for more than a generation. In his *Danger Spots* (1929), he wrote, on the basis of 1920 and 1925 census data for Formosa, that "the very conditions necessary to increase considerably the productive capacity of natives

in the tropics also make inevitable a rapid increase in their numbers" (p. 40). The author has shown beyond question that the type of colonial exploitation followed by Japan, which was typical of pre-World War II colonialism, had a tremendous effect on the rate of growth of population in Taiwan because it reduced the death rate without in any significant degree altering the family and social culture of the Taiwanese which in turn determined their birth rate. The author points out, however, that although the introduction of more modern methods of production and of more efficient forms of organization had this effect in Taiwan, there is no reason to assume that the modernization of an agricultural society must necessarily issue in such a rapid population growth that it will endanger the maintenance of relatively low death rates and such improvement in the level of living as may have been attained when better methods of production first came into use. The reviewer is in full agreement with the view that in Taiwan, and he would add, *elsewhere*, the problem of changing the cultural pattern so that the reduction of the death rate, which is now a relatively cheap and easy matter, would be accompanied by a reduction in the birth rate is very complex and is but little understood.

That the author emphasizes the essentially Chinese character of Taiwanese culture also seems highly important to the reviewer since it suggests the probable early effects of the modernization of the economy of China if little attention is paid to the reorganization of the cultural pattern that would make a simultaneous reduction in the birth rate probable.

The author's statement that "the results of Japanese rule in Taiwan are of little consequence to social science as an isolated series of events," but that "they gain their strongest claim to importance by revealing some social and demographic implications of policies that are often urged and undertaken towards non-industrial peoples" seems quite to the point. The reviewer would like to add, however, that those who are skeptical of the importance of population growth as a factor of the highest significance in looking to the future betterment

of life in underdeveloped areas, would do well to read this careful and factual case study of what happened in Taiwan when no attention was paid to the demographic consequences of industrial modernization.

WARREN S. THOMPSON

Director Emeritus
Scripps Foundation

PANIKKAR, K. M. *Asia and Western Dominance: A Survey of the Vasco Da Gama Epoch of Asian History, 1498-1945*. Pp. xxx, 530. New York: John Day Company, 1954. \$7.50.

When a distinguished statesman and ambassador of one of the world's great powers writes his story of a major event in history, the book must needs be of concern to everyone. In *Asia and Western Dominance* we have an Indian interpretation of Indian and Far Eastern history from the opening of the sea routes in the 15th century up to the 1930's. The sections dealing with the history of India during the British period are especially valuable and will be revealing to those Americans who have thought of English imperialism as only a force for ill in India's development.

Three-fifths of the book is concerned with the development of international relations from the coming of Vasco da Gama in 1498 in the "Age of Expansion" to "Europe in Retreat," 1918 to 1939. A wealth of interesting detail on the progress of the maritime powers and their effect on eastern Asia has been brought together. But the presentation is weakened by many obvious errors in names, dates, and so forth. Such slips as: Yoshimitsu referred to as an "Emperor" of Japan, British relinquishment of Indonesia in "1826," Chinese taken as "slave labour" to California, Korean kings sending "tributes to the Japanese Emperor," the Manchus "quietly" occupying Mongol territories, together with many misspellings of proper names necessitate caution in using the book.

Obvious bias is shown in the author's condoning Russian expansion at the expense of the Manchu empire, in a general disparagement of the maritime powers, and in overstressing the social chaos caused by "the missionary aggression to which China was subjected." Japan's actions are those

of "an apt pupil of the great powers in their policy of expansion."

A special section of the book is devoted to "Christian Missions." The style here is more objective and the analysis of the reasons for failure is generally sound.

The section containing the most original interpretation of modern events is entitled "The Recovery of Asia" and is devoted to a history of the change of ideas in various countries including the socio-religious revolution in India.

The optimism of Mr. Panikkar's "Conclusion" is well summarized in one sentence "The period of European control of the States of Asia is a dividing line in their history, for both by resistance and by adaptation they have had to call forth new vitality and consciously adapt themselves to new ideas by which alone they were able gradually to recover their independence and strength."

WOODBIDGE BINGHAM

University of California
Berkeley

HAMMER, ELLEN J. *The Struggle for Indochina*. Pp. xvii, 332. Stanford, Calif.: Stanford University Press (published under the auspices of the Institute of Pacific Relations), 1954. \$5 00.

Dr. Hammer's detailed account of the struggle between France and the Communist-led Viet Minh for domination over Indochina will be of value as the only full study of the conflict in English. The sordid story, distinguished by blundering and bad faith on both sides, moves like a Greek tragedy towards its denouement. Dr. Hammer brings her study to a close just before the Geneva Conference was to show the extent of the division and indecisiveness of the western nations regarding Indochina.

The study seems not to have got to the root of the issue. Dr. Hammer makes much of the shift of the Viet Minh into the Communist camp in 1949. She repeatedly calls it disastrous, which it undoubtedly is for those who must live with it; but Dr. Hammer believes that the "disaster" was for the nationalist goals of the Viet Minh itself, in that it alienated many Vietnamese nationalists and brought

American military aid to the French. "The Vietnamese Communists thereby made a military victory impossible," she comments on page 247.

Here Dr. Hammer walks into the trap that stultifies American policy not only in Indochina but in all Asia. What offends us, she seems to think, must necessarily offend everybody else. If she had spent even a little time in Vietnam she would have discovered that the overwhelming majority of the Vietnamese see no conflict at all between Communism and their goal of independence. For them Ho Chi Minh is not a stooge of Communism but a dedicated patriot and their best hope for independence. It is hard to believe that the Viet Minh forfeited much appeal by a shift to the Communist camp. Could any French-sponsored regime have captured this loyalty? Is it possible to "save from Communism" those who do not want to be saved? Can America form a successful anti-Communist alliance in Asia when the peoples immediately concerned consider themselves threatened not by Communism but by *ourselves*?

Dr. Hammer hardly approaches these questions, although it should have been clear long before July 20 that they are basic, and that the answer to all of them is NO. Americans cannot escape responsibility in the struggle for Asia, yet they can expect only continuing disaster until they realize that they are at cross-purposes with the peoples of Asia. Unless Americans can equate Asian anti-colonialism with their own anti-Communism, the inevitable consequence will be either capitulation or war.

WILLIAM B. DUNN

United States Department of State

LINEBARGER, PAUL M. A., DJANG CHU and ARDATH W. BURKS. *Far Eastern Governments and Politics: China and Japan*. Pp. x, 630. New York: D. Van Nostrand Company, 1954. \$6 50.

Far Eastern Governments and Politics contains two separate historical accounts of the Chinese and Japanese governments and politics. The instructive thesis is maintained throughout the book that in spite of frequent and intensive foreign im-

pacts upon both systems, their politics have always been consistent with fundamental native characteristics. Thus, today the Soviet-inspired Communist regime of China and the American-inspired democracy of Japan are shown to possess typical Chinese and Japanese qualities. This thesis is more successfully worked out in Japan's than in China's case. One reason for this is that the fundamental factors in Chinese government or their effects have not always been fully treated. The Confucian doctrine of the state and society is incompletely summarized. The lasting impressions of the T'ai-p'ing Rebellion upon China's government are hardly mentioned. The regime of Communist China and its place in Chinese political and cultural history are discussed too briefly. A detailed comparison of Communist institutions and practices with those of preceding regimes would have been a new and needed contribution to an understanding of China's government. The contemporary Japanese situation has received fuller and less formalistic treatment. The chapters on Japan, covering the years since 1941, are clear and lively. This cannot be said of all the chapters dealing with prewar Japan.

The authors are using an analytical and interpretative method, an assurance of enduring value. But it has induced them to state or imply some principles of Far Eastern governments or of history in general which occasionally approach the mystical and seem to need more substantiation to be convincing. There is, for instance, talk of "inevitable" events (pp. 120, 121); of China "suffering gigantic trauma from clash of cultures" (p. 25). The inexactness of this language is matched by the use of many terms which are bound to leave the student puzzled. What is an "unsystematic" civil war, what is a "brilliant" and a "lunatic" economy (pp. 347, 322)? Altogether the style of the book is often annoyingly pseudo-sophisticated, for instance when Japan is described as a modern nation-state "*sans le savoir*" when later the same statement is made in perfectly adequate English; or when "in terms of" is used *ad nauseam* and mostly unnecessarily if not wrongly in the second section of the book. Perhaps this disre-

spect for language is responsible for the misspelling of almost every French and German book quoted in the footnotes.

This is a useful book for the student with some background in Far Eastern affairs who wishes to get a summary of Chinese and Japanese politics. It is distinguished by the use of Chinese and Japanese sources.

WERNER LEVI

University of Minnesota

NU, THAKIN. *Burma Under the Japanese*, Edited and translated by J. S. Furnivall. Pp. xxviii, 132. New York: St. Martin's Press, 1954. \$3.00.

It is always a privilege to have a work of history written by one of its participants. To see the relation of the actor to great historic events and the vision of these events in his perspective provides a special illumination obtainable in no other way. Asia, unfortunately, has so far given us little in this genre, principally because the national revolutionary leaders remain too deeply immersed in affairs to be able to write with the leisured reflectiveness granted only by time and distance.

It is therefore particularly welcome to have this brief memoir of the Japanese Occupation from the hand of the Prime Minister of Burma, Thakin Nu (now called U Nu), one of the chief actors of that period. Written in the flush of the events themselves, within the few months immediately following the end of the war, it is not to be compared with the considered, ripe reflection of a Trotsky, Churchill or Nehru. It has the rawness and the intimacy of the diary; it provides brief and enlightening glimpses, not finished analyses; it is a raw document of history, not history itself.

Three portraits emerge most sharply from these memoirs. The first is the attitude of Burma's leaders toward the Japanese occupiers. U Nu's memoirs make it quite clear that the Burmese leaders were not completely taken in by Japan's "Asia for the Asiatics" propaganda. For most of the leaders, the decision to go along with the Japanese was a carefully calculated risk, qualified by a readiness to break with them whenever it might appear necessary.

The differences among the Burmese leaders on this question were essentially matters of tactics rather than of basic outlook on national independence. The division between those who remained behind to operate the government and those who went into guerrilla opposition to the Japanese was not so sharp as has been assumed by the black-and-white moralistic attitude of the West. Ba Maw, the "puppet" himself, was no more motivated by a craven submission to the Japanese than Than Tun, the Communist leader, or Aung San, later the national hero of Burma's independence, or U Nu himself. There was constant communication between the divided segments of the independence movement, and Ba Maw himself could be called upon by the rebels in the field for all kinds of assistance. If Ba Maw overstayed the game on the Japanese side, it was because he misread the power and direction of the wave of history, not because he preferred the Japanese.

Another important picture that emerges from these pages is that of the Japanese as occupiers. For Americans, Japan has always been enemy, pupil, or conquered people. But for the Burmese, the Japanese as the wielders of power were a different animal. From an initial disposition to accept the Japanese as "liberators" or perhaps as the opportune instruments of their liberation, they quickly came to look upon them as arrogant, wily, and ruthless. The adjectives that recur over and over again in U Nu's description of his dealings with the Japanese are: tricky, stolid, expressionless, inscrutable, greedy. Racial similarity did not seem to make the Japanese any more palatable or more understandable to U Nu than they were to non-Asians who had occasion to deal with their harsher side.

Finally, we are given a brief glimpse of U Nu himself, the remarkably dedicated leader of Burma: a man of peace who found himself in the middle of war and an age of war; a quiet literary man who was thrust into the vortex of activity by events; a man capable of embracing both Buddhism and Marxist socialism simultaneously. His warmth, his richness of feeling, his generosity, as well as perhaps a fatal

hesitation to be ruthless when ruthlessness is called for, all stand out strongly from these warmly personal pages.

Mr. Furnivall, the British economist who has prepared this book for the English-reading public, is to be congratulated on yet another act of devotion to Burma.

HERBERT PASSIN

Ohio State University

WILDES, HARRY EMERSON. *Typhoon in Tokyo: The Occupation and Its Aftermath*. Pp. v, 356. New York: The Macmillan Company, 1954. \$4.50.

This study of the occupation of Japan is the most comprehensive and thoughtfully critical treatment which has yet appeared of an incredibly ambitious effort to bring about basic changes in the ideas and institutions of a conquered state. Its author is an "old Japan hand" who took part in the administration of the occupation as a member of Government Section of Supreme Command, Allied Powers. He knows whereof he speaks; consequently, his book is an authoritative treatment written for the layman, but crammed with interesting data for the specialists. Mr. Wildes is critical, but not captious nor moralistic in his examination of the reform program. He sets the "occupationaires" neatly within the extremely difficult living conditions which the Japanese had to endure. It is apparent that much of his source material has come from Japanese in various walks of life.

The text is arranged in thirty-one chapters, beginning with "Occupation Atmosphere" and concluding with "In Retrospect." Concisely and clearly Mr. Wildes examines the effect of the occupation program upon the emperor, the Diet, the cabinet, the police, public health, and many other political, economic and social institutions. He shows that in numerous instances the publicity of the SCAP sections was unduly optimistic or unblushingly erroneous. General MacArthur himself receives comparatively little attention, credit for his measures being given in many instances to General Whitney, Chief of Government Section. This reviewer would not agree that Whitney rather than MacArthur was the principal inspirer of the new con-

stitution, nor that MacArthur was inclined to be satisfied with the old one. He would prefer "Tycoon" to "Typhoon" in the book's title. The reviewer does agree that major credit for such success as the occupation attained should go to the Japanese people and that the G. I., for all his sins, deserves to rank as the true symbol of freedom.

Mr. Wildes concludes that "despite the occupation and despite the cancellation of its edicts, important changes had occurred. The Bourbons had been discredited; war leaders deflated; the bureaucrats had been jolted out of their insufferable arrogance." One may believe, however, that these results would have followed defeat, occupation or no occupation.

HAROLD S. QUIGLEY

University of Minnesota

ADUARD, BARON E. J. LEWE VAN. *Japan From Surrender to Peace*. With a Foreword by John Foster Dulles. Pp. xv, 351. The Hague: Martinus Nijhoff (published in U. S. by Frederick A. Praeger), 1953. \$7.50.

After relating chronologically the principal events leading up to the San Francisco Conference for the signing of the Treaty of Peace with Japan, the author, referring to the Conference opening, aptly remarks: "The drama would begin at the scheduled time." Indeed, the story of the American Occupation and the forces at work behind it has been dramatically and powerfully told, and the reader is carefully led up to the climax. Unfortunately, the plot has been revealed so many times before that it has lost its novelty, and the final denouement can scarcely be called startling. Most people are aware of the fact that "if Japan were denied the necessary economic freedom for the rehabilitation of her overseas trade," the resulting economic crisis might imperil the progress made by democracy in Japan, as might also "rigid state control which might result from an overestimation of the communist menace" (p. 293).

The highlights of the reforms instituted under the Occupation are well set forth and an interesting account is rendered of Japanese political parties, but all in much

too brief a fashion to be of great value. In general, the guesses of the author seem to be educated ones such as when he asserts that the then British Foreign Secretary, Herbert Morrison, was convinced by John Foster Dulles of the soundness of an early American compromise formula regarding the signing of the treaty by the Chinese. This Hollander's appraisal of American plans, policies and administrative actions also seems objective and fair. However, the lack of footnotes is disturbing to the scholar, and one may question some of his conclusions such as that "some (farmers) have even reverted to the old practice of selling their daughters as preferable to selling their rice fields" (p. 284).

Although of minor importance, the failure to give more than the surname of many of the personalities mentioned is regrettable and the number of errors of orthography in this highly priced volume is amazing. This is particularly noticeable in the spelling of proper names such as "Pauly" (p. 84) for "Pauley," "Marquet" (p. 242) for "Marquat" and "Conally" (p. 251) for "Connally" et cetera, and one may well wonder for just what audience this book was intended. Nevertheless, one must agree with Mr. Dulles' judgment, expressed in the foreword, that despite being written without benefit of access to important source material not yet available, the book does give a most interesting and, on the whole, reliable account of the Occupation and the steps toward peace as seen by an experienced diplomat in Tokyo.

ALBERT E. KANE

Washington, D. C.

LETTERS TO THE EDITOR

Dear Sir:

On May 10, I sent Messrs. Don L. Kookan and Loren D. Ayres a lengthy letter citing important errors in their January 1954 *ANNALS* article, "Police Unions and the Public Safety." A summary of that letter follows.

The authors elaborate their ideas of craft union activities, attempting to show that some are illegal or incompatible with

police responsibilities. They are unaware of the present nature of police union organization, its methods or its successes.

While I disagree with the estimate given of craft unions, it is important to point out immediately in the limited space allotted me that there has been no attempt in the last twenty years to apply the methods the authors described to police organization.

The American Federation of State, County, and Municipal Employees, American Federation of Labor, is the only union to successfully organize thousands of policemen. In structural terminology, ours is an industrial union which has adapted its approach to special police needs.

Our union's membership pledge is quoted as "... an example of the potential incompatibility of unionism and the professional ideal. ..." This pledge went out of date with our 1940 constitution. With proper research at the time their article was written, the authors would have found that the union policeman pledges to his union "... to perform faithfully all the duties assigned to me. ..."

The authors say that the "... checkoff system ... cannot be legally applied to police service ...". Many of the police locals do have the checkoff system.

The closed shop is not an issue in police unionization. We do not ask for it. It is not necessary to our successful operation. I believe at the time the article was written, the closed shop was even illegal in private industry. Then why discuss it in an article on police unions?

The authors state: "The courts have declared, however, that municipalities ... are without power to enter collective bargaining agreements. ..." There exist hundreds of such agreements, some approved by court action, others by attorney generals and city solicitors. Are these a myth?

Now the one way to make people worry about police unionization is to raise the bogus of strikes as the authors do. Police charters issued by the American Federation of State, County, and Municipal Employees forbid strikes. We can prove that where there is a history of public employee strikes, unionization has reduced or eliminated them.

The authors refer to professional organizations "in contrast with the selfish interest of craft unions." It appears to me that the authors have rationalized themselves into attacking the non-existent tactics of a mythical craft union of police employees I know of no such creature.

The article says of unions, "They evince little concern over how their demands will affect the employer." The AFSC & ME is second to none in devotion to public causes, advocating a career service, and higher standards of morality and performance in public service. Our constitution states these objectives.

If the authors say they were not applying these remarks to the AFSC & ME, then they were operating in a vacuum. Essentially there is no other American union among police employees.

LEO KRAMER

*International Representative,
New England Region*

American Federation of State, County,
and Municipal Employees

OTHER BOOKS

BAYLIFF, RUSSELL E., EUGENE CLARK, LOYD EASTON, BLAINE E. GRIMES, DAVID H. JENNING, NORMAN H. LEONARD *Readings in Social Policy*. Pp. xiii, 529. Dubuque, Iowa. William C. Brown Company, 1954 \$3.65.

BERNHARD, RICHARD C. *Economics*. Pp. xiv, 801. Boston: D. C. Heath and Company, 1954. \$6.00.

BROWNRIGG, WILLIAM. *The Human Enterprise Process and Its Administration*. Pp. 225. University, Alabama: University of Alabama Press, 1954 \$4.50.

BUSH, GEORGE P. (Annotated by). *Bibliography on Research Administration*. Pp. iv, 146. Washington, D. C.: University Press of Washington, D. C., 1954. \$4.00.

Chapters in Western Civilization. Vol I Selected and edited by the Contemporary Civilization Staff of Columbia College, Columbia University. Pp. 545. 2nd ed. New York: Columbia University Press, 1954. \$4.00

CORWIN, EDWARD S. *The Constitution and What It Means Today*. Pp. xiv, 340 11th ed. Princeton, N. J.: Princeton University Press, 1954 \$5.00.

CURL, PETER V. (Ed.) *Documents on Ameri-*

- can Foreign Relations*, 1953. Pp. xxii, 458. New York: Harper & Brothers for the Council on Foreign Relations, 1954. \$5.00.
- DAVIES, HORTON. *Christian Deviations: Essays in Defence of the Christian Faith*. Pp. 120. New York: Philosophical Library, 1954. \$2.75.
- DE LUCA, MARIO, et al. *Studi di Economia e Statistica*. (Publicazioni della Facoltà di Economia e Commercio, Series 1, No. 1) Pp. 302. Catania, Italy: Università di Catania, 1950-51. No price.
- DE ZENDEGUI, GUILLERMO *Ambito de Marti*. Pp. 222. Havana, Cuba: La Comision Nacional Organizadora de los Actos y Ediciones del Centenario y del Monumento de Marti, 1953. No price.
- Documents on German Foreign Policy, 1918-1945*. Series D (1937-1945). Vol. VIII: *The War Years, September 4, 1939-March 18, 1940*. Pp. lxxxvi, 974. Washington, D. C.: Department of State, 1954. \$4.00.
- EATON, JOSEPH W., and ALBERT J. MAYER. *Man's Capacity to Reproduce: The Demography of a Unique Population*. Pp. 59. Glencoe, Ill.: Free Press, 1954. \$2.00.
- FIREMAN, PETER. *Preceptualistic Theory of Knowledge*. Pp. xii, 50. New York: Philosophical Library, 1954. \$2.75.
- GODE, ALEXANDER. *Interlingua a Prime-Vista*. Pp. 79. New York: Storm Publishers, 1954. \$2.00.
- GREGG, JOSIAH. *Commerce of the Prairies*. Edited by Max L. Moorhead. Pp. xxxvii, 439. Norman: University of Oklahoma Press, 1954. \$7.50.
- GRIFFITH, ERNEST S. *The American System of Government*. Pp. v, 202. New York: Frederick A. Praeger, 1954. \$2.50 cloth; \$1.25 paper.
- GRIMES, BLAINE E., and EUGENE CLARK (Eds.). *Values and Policy in American Society*. Pp. xv, 528. Dubuque, Iowa: William C. Brown Company, 1954. \$4.00.
- GUERRANT, EDWARD O. *Modern American Diplomacy*. Pp. xiv, 318. Albuquerque: University of New Mexico Press, 1954. \$6.00.
- Handbook of Private Schools: An Annual Descriptive Survey of Independent Education*. Pp. 1,214. 35th ed. Boston: Porter Sargent, 1954. No price.
- INSTITUTE OF LIFE INSURANCE. *Life Insurance Fact Book, 1954*. Pp. 111. New York: Institute of Life Insurance. No price.
- Institutions of Primitive Society, The: A Series of Broadcast Talks by E. E. Evans-Pritchard, Raymond Firth, E. R. Leach, J. G. Peristiany, John Layard, Max Gluckman, Meyer Fortes, and Godfrey Lienhardt*. Pp. viii, 107. Glencoe, Ill.: Free Press, 1954. \$2.50.
- Introduction to Contemporary Civilization in the West: A Source Book*. Prepared by the Contemporary Civilization Staff of Columbia College, Columbia University. 2nd ed. Pp. x, 1264. New York: Columbia University Press, 1954. No price.
- ISTIQLAL (INDEPENDENCE) PARTY OF MOROCCO, *The Morocco Under the Protectorate: Forty Years of French Administration*. Pp. 63. New York: The Istiqlal Party of Morocco, 1953. No price.
- JOHNSON, JOHN L. Assisted by Elan Greene. *The Economy of Northern Kentucky*. Pp. v, 52. Frankfort, Kentucky: Agricultural and Industrial Development Board of Kentucky, 1954. No price.
- KING, FRANCIS P. *Financing the College Education of Faculty Children: A Study Conducted by Teachers, Insurance, and Annuity Association for the Fund for the Advancement of Education*. Pp. xii, 115. New York: Henry Holt and Company, 1954. \$1.75.
- LABARRE, WESTON. *The Human Animal*. Pp. xv, 372. Chicago: University of Chicago Press, 1954. \$6.00.
- LETHEBRIDGE, T. C. *The Painted Men*. Pp. 208. New York: Philosophical Library, 1954. \$6.00.
- MACK, RUTH P. *Factors Influencing Consumption: An Experimental Analysis of Shoe Buying* (National Bureau of Economic Research, Technical Paper No. 10.) Pp. viii, 124. New York: National Bureau of Economic Research, 1954. \$2.00 paper.
- MCCAUGHTON, WAYNE L., and JOSEPH LAZAR. *Industrial Relations and the Government*. Pp. ix, 531. New York: McGraw-Hill Book Company, 1954. \$6.00.
- MARSHALL, CHARLES BURTON. *The Limits of Foreign Policy*. Pp. 128. New York: Henry Holt and Company, 1954. \$3.00.
- MASALDAN, P. N. *Evolution of Provincial Autonomy in India, 1858 to 1950; with Special Reference to Uttar Pradesh*. Pp. viii, 215. Bombay, India: Hind Kitabs, 1953 (distributed in the U. S. by W. S. Heinman). \$3.50.
- MASTERSON, WILLIAM H. *William Blount*. Pp. viii, 352. Baton Rouge: Louisiana State University Press, 1954. \$5.00.
- MILBANK MEMORIAL FUND. *The Interrelations of Demographic, Economic, and Social Problems in Selected Underdeveloped Areas*. Pp. 198. New York: Milbank Memorial Fund, 1954. \$1.00.
- MONELLI, PAOLO. *Mussolini: The Intimate Life of a Demagogue*. Translated by Brigid

- Maxwell. New York: Vanguard Press, 1954. \$4.00.
- PADELFORD, NORMAN J., and SARA L. KRINER (Eds.). *Contemporary International Relations Readings*. (Third Series) Pp. xi, 388. Cambridge, Mass.: Harvard University Press, 1954. No price.
- PAILLOT, FERNAND, RICHARD DORNEMANN, CARL KURTZ, and GÜNTER SCHMÖLDERS. *Internationaler Steuerbelastungsvergleich*. Vol. III: *Die Besteuerung der gewerblichen Einkünfte in Belgien, Frankreich, Luxemburg, Schweden und der Schweiz*. (Schriftenreihe der Deutschen Europa-Akademie, No. 16.) Pp. 183. Frankfurt a. M.: Institut für Europäische Politik und Wirtschaft, 1954. No price.
- PARKS, JOSEPH H. *General Kirby Smith, C. S. A.* Pp. viii, 509. Baton Rouge: Louisiana State University Press, 1954 \$6.00.
- PEALY, DOROTHEE STRAUSS. *A Statewide Census Every Five Years*. Pp. ii, 16 (appendices A to F inc.). Ann Arbor: Bureau of Government, Institute of Public Administration, University of Michigan, 1954. 50 cents.
- PRI, MARIO A., and FRANK GAYNOR. *A Dictionary of Linguistics*. Pp. vi, 238. New York: Philosophical Library, 1954. \$6.00.
- PHILLIPS, JEWELL CASS. *State and Local Government in America*. Pp. viii, 728. New York: American Book Company, 1954. \$6.00.
- PICK, FRANZ. *1954 Black Market Yearbook*. Pp. x, 210. New York: Pick's World Currency Report, 1954. \$25.00.
- POLLITT, BASIL H. *Justice and the Justices*. Pp. 210. Daytona Beach, Florida: College Publishing Company, 1954. \$4.00 cloth; \$3.00 paper.
- PUBLIC ADMINISTRATION ORGANIZATION. *A Directory of Unofficial Organizations in the Field of Public Administration in the United States and Canada*. Pp. 150. Chicago: Public Administration Clearing House, 1954. \$2.50.
- PURCELL, ROYAL. *The Three Highways to World War*. Pp. 53. New York: Pageant Press, 1954. \$2.00.
- RAO, A. V. RAMAN. *Structure and Working of Village Panchayats: A Survey Based on Case Studies in Bombay and Madras*. (Gokhale Institute of Politics and Economics, Publication No. 28.) Pp. xvi, 218. Poona, India: Gokhale Institute of Politics and Economics, 1954 \$1.50.
- RAPOPORT, ROBERT N. *Changing Navaho Religious Values: A Study of Christian Mis-*
- sions to the Rimrock Navahos*. (Papers of the P.M.A.A.E. Vol. XLI, No. 2) Pp. xiv, 146. Cambridge, Mass.: Peabody Museum of American Archaeology and Ethnology, Harvard University, 1954. No price.
- ROBSON, WILLIAM A. *The University Teaching of the Social Sciences: Political Science*. Paris: United Nations Educational, Scientific, and Cultural Organization, 1954 (distributed by Columbia University Press). \$1.50.
- SALVEMINI, GAETANO. *The French Revolution, 1788-1792*. Translated from the Italian by I. M. Rawson. Pp. 343. First English Edition. Original Italian Edition published in 1905. New York: Henry Holt and Company, 1954 \$5.00.
- SAPIN, BURTON, RICHARD C. SNYDER and H. W. BRUCK. *An Appropriate Role for the Military in American Foreign Policy-Making: A Research Note*. (Foreign Policy Analysis Project, Foreign Policy Analysis, Series No. 4.) Pp. iv, 64. Princeton: Organizational Behavior Section, Princeton University, 1954. No price.
- SAVETH, EDWARD N. *Understanding the American Past*. Pp. ix, 563. Boston: Little, Brown, and Company, 1954. \$6.00.
- SCHLEICHER, CHARLES P. *Introduction to International Relations*. Pp. xvi, 941. New York: Prentice-Hall, 1954. \$6.75.
- SCHUMPETER, JOSEPH A. *Economic Doctrine and Method*. Pp. v, 201. New York: Oxford University Press, 1954 \$3.50.
- SHELDON, BUTLER, JR. *The 5th Freedom: Freedom From Taxation*. Pp. xv, 111. New York: Library Publishers, 1954. \$2.75.
- SMITH, T. LYNN. *Brazil: People and Institutions*. Pp. xxx, 704. Revised ed. Baton Rouge: Louisiana State University Press, 1954. \$7.50.
- STRAUSZ-HUPÉ, ROBERT, and STEFAN T. POS-SONY. *International Relations in the Age of the Conflict Between Democracy and Dictatorship* (McGraw-Hill Series in Political Science) Pp. xiv, 826. 2nd ed. New York: McGraw-Hill Company, 1954 \$6.50.
- TAX FOUNDATION. *Constitutional Debt Control in the States*. (Project Note No. 35) Pp. 40. New York: Tax Foundation, 1954. No price.
- TRECKER, AUDREY R., and HARLEIGH B. TRECKER. *Committee Common Sense*. Pp. 158. New York: Whiteside, and William Morrow and Company, 1954. \$2.50.
- UNESCO. *Basic Facts and Figures: Illiteracy, Education, Libraries, Museums, Books, Newspapers, Newsprint, Film, Radio, and*

- Television*. Pp. 84. Paris: United Nations Educational, Scientific, and Cultural Organization, 1954. \$1.00
- USHER, ABBOTT PAYSON. *A History of Mechanical Inventions*. Pp. xi, 450. Revised ed. Cambridge, Mass.: Harvard University Press, 1954. \$9.00.
- VALENTINE, ALAN. *The Age of Conformity*. Pp. xi, 179. Chicago: Henry Regnery Company, 1954. \$3.00.
- WHITE, DONALD J. *The New England Fishing Industry: A Study in Price and Wage Setting*. (Wertheim Fellowship Publications, Harvard Economic Studies, Vol. XCIV) Pp. xvii, 205. Cambridge, Mass.: Harvard University Press, 1954. \$4.00.
- WILLIAMS, GEORGE HUNTSTON. *The Harvard Divinity School: Its Place in Harvard University and American Culture*. Pp. xvi, 366. Boston: The Beacon Press, 1954. \$5.00.
- Year Book of World Affairs, 1954, The*. Published under the auspices of the London Institute of World Affairs. Pp. xii, 378. New York: Frederick A. Praeger, 1954. \$7.50.

INDEX

- Acheson, Dean, quoted, 68
 Africa, 101-102, 142, 144
See also North Africa; South Africa; *and names of individual countries*
 Aggression, definition of, 10, 71, 81, 88
 Albania, 71, 94
 Alexander I, Czar of Russia, 144
 Algeciras, Conference of, 144
 American Association for the United Nations, 48
 American Bar Association, 48
 Angell, James W., 43
 ANZUS (Pacific Security Treaty), 10, 96, 104
 Arabs and Arab countries, 22, 24, 36, 39, 108
 Argentina, 40, 141
 Armament regulation
 and mental attitudes, 18-19, 117, 125, 129, 130
 by U.N., 158
 control plan, 117-123, 124, 125-127, 128, 130
 control authority, 119-121, 122, 128, 130
 standstill plan, 118-119, 124, 125, 126-127, 128
 need of, vii, 19, 155, 157
 past failures, 16, 155
See also Atomic energy; Baruch plan; Disarmament; Disarmament Commission
 Armed forces, for U.N., 5, 8, 16, 20, 29, 145
 Arms census, 118, 121, 128
 ARON, RAYMOND, Limits to the Powers of the United Nations, 20-26
 Aron, Raymond, cited, 106
 Asia, 23, 25, 99, 108, 127, 142, 144
 Economic Commission for, 39, 94
See also Far East; Southeast Asia; *and names of countries*
 Atlantic Charter, 47, 105
 Atlantic Pact, *see* North Atlantic Treaty
 Atomic energy
 destructive power of A-bomb, 124
 development for peace, 121-122
 Eisenhower proposal for international pool of, 14, 17-18, 121, 130
 implications for U.N., vii, 14-15, 16, 17, 18, 19, 23, 48, 49, 85, 96, 117, 123, 155
 Soviet-free world equality in, 119
 Soviet plan, for ban of atomic weapons, 118, 123, 125, 129
 weapons, prohibition of, 19, 119
See also above Soviet plan
 Atomic Energy Commission (U.N.), 119-120
 Australia, 63-64, 67, 73-74
 ANZUS pact, 10, 96, 104
 Austria, 94, 127
 Austria-Hungary, 144
 Bacterial warfare, 15
 Baruch plan, 119, 120, 127, 128
 BEBLER, ALEŠ, The Yardstick of Collective Interest, 85-92
 Bebler, Aleš, cited, 106
 Bentwich, N. de M., cited, 1
 Berlin, Congress and Treaty of (1878), 46, 144
 Berlin blockade, 84
 Berlin Conference (1884-85), on Congo affairs, 46, 56
 Bermuda Conference, 14
 Bismarck, Otto von, 144
 Bitker, Bruno V., quoted, 48
 Borchard, Edwin M., cited, 46
 BRENTANO, HEINRICH VON, Comment on Expanding the United Nations Community, 97-98
 Brentano, Heinrich von, cited, 106
 Bricker amendment, 47, 48, 52
 British Commonwealth, 5, 82, 96
 Brookings Institution, vii
 Brussels Conference (1890), 46, 56
 Brussels Treaty (1948), 9
 Bulgaria, 23, 52, 94
 Byelorussian Soviet Socialist Republic, 148
 Byrnes, James F., 148-149
 quoted, 68
 Cambodia, 25, 94
 Capitalism, 128, 143, 145
 Carneades, 50
 Carroll, Lewis, quoted, 106
 CAVERS, DAVID F., International Control of Armaments, 117-123
 Ceylon, 94
 CHAMBERLIN, WALDO, Strengthening the Secretariat, 131-133
 Charter (U.N.)
 amendment, *see* Charter review conference;
 Charter revision
 as a legal and political document, viii, 56, 61-62, 64-65, 68, 70-76, 155
 violations of, 11, 13, 73, 114, 142, 147, 149
 See also below development and change—
 constitutional issues in *and* interpretation
 criticism of, 140
 development and change, 1, 4-12, 37, 109, 112, 115, 152, 158
 bibliography, 1-2, 160
 constitutional issues in, 11, 12-13, 61-62, 68, 75-76, 114
 See also above as a legal and political document
 drawn up by capitalist and socialist powers, 145

- interpretation of, 6, 12-13, 71-76
- revision, *see* Charter review conference; Charter revision
- Charter review conference
 - Charter provision for, 3-4, 18, 140
 - possibility of democratic representation in, 99
 - preparatory study and discussion, vii, viii, 13, 30, 104, 106, 141-142, 147-153 (*passim*), 155, 158, 159-162
 - U. S. position on, 4, 13, 30, 147, 148-149, 151-153, 158
- Charter revision
 - bibliography, 1-2, 160
 - Charter provisions for, 1-4, 140, 142
 - desirability of, discussed in relation to
 - armament regulation, 19, 117, 118, 119, 120, 125-126, 130, 158
 - clarification of Secretary-General's political role, 139
 - dispute settlement, *see below* maintenance of peace and security
 - domestic jurisdiction of states and state sovereignty, 13, 19, 87, 92, 146, 158
 - economic and social development, viii, 36-37
 - functions and powers of General Assembly and Security Council, 13, 20, 28, 34-35, 88-90, 92, 108-109, 114, 154-155, 158
 - human rights, vii, 17, 47, 48, 54-55
 - international law, development of, 76, 155
 - maintenance of peace and security, vii, viii, 17, 19, 22, 25, 27, 28, 34-35, 48, 87-92, 105, 154
 - membership increase, 12, 94, 96, 97, 101, 115, 158
 - non-self-governing territories, vii, 64-67, 142, 146, 158
 - regionalism, 95, 96, 97, 158
 - specialized agencies, 158
 - voting procedures, 19, 20, 30, 89, 92, 109, 141-142, 148, 149, 154, 158
 - difficulty of, 18-19, 30, 106, 109, 140, 156, 158
 - risks of, viii, 12, 106, 109, 112, 115, 142-143, 146, 148, 152, 153
 - value as compared to informal change, 12-13, 112, 115
- See also* Charter review conference
- Chase, E. P., cited, 1
- China, 143
- China, People's Republic of, 21, 23, 80, 107, 111, 127
 - and armament regulation, 123, 124, 128
 - in Korean War, 8, 24, 91
 - sense of community and government in, 101
 - trade and trade embargo on, 8, 107, 123
 - U.N. membership for, 100, 102, 105, 115, 123, 149, 157
- Churchill, Winston, 14
 - quoted, 98
- Civil liberties, 49, 52, 53, 54
- Civil service, international, as ideal for U.N. Secretariat, 133, 136
- Civil wars, significance of, 11, 21, 39, 79, 90-91, 92, 111, 122-123
- CLARK, GRENVILLE, Comment on International Control of Armaments, 124-125
- Clark, Grenville, cited, vii
- COHEN, BENJAMIN V., Comment on International Control of Armaments, 125-127
- Cold war, *see* East-West conflict
- COLE, W. STERLING, Comment on International Control of Armaments, 127-129
- Collective Measures Committee (U.N.), 8, 30, 96
- Collective security
 - and human rights, 49, 50, 53
 - and sense of community, 93
 - U.N. system, vii, viii, 5, 9-10, 12, 16, 20-26, 48, 77, 85-89 (*passim*), 92, 97-98, 103-104, 105, 108, 113, 145, 154, 157, 160
- Colonialism and colonial powers
 - and U.N., 21-22, 24-25, 57-67, 100, 111, 140, 142, 146, 154
 - anticolonialism, 21, 64, 72, 74, 140
 - colonial expansion, 19th century, 144
 - evolution of concept of colonization, 56-58
 - relation to international peace and security, 21-22, 24-26, 58, 67, 79, 111
- See also* National liberation and nationalism; Self-determination
- Commission on Human Rights (U.N.), 52
- Commission on the Status of Women (U.N.), 74
- Committee on Information from Non-Self-Governing Territories (U.N.), 7, 63, 107
- Communications
 - and regional organizations, 40
 - freedom of, 49
 - International Telecommunication Union, 38
 - modern conditions of, and national survival, 50, 102-103
- Communism, 104, 105
 - and nationalism, 23
 - containment of, 81-82
- See also* China, People's Republic of; East-West conflict; Soviet bloc; Soviet Union
- Community, sense of, vii, 93-95, 96, 97, 100, 102-103, 104
- Concert of Europe, 23, 144, 145
- Constitution (U. S.), 144
 - Fourteenth Amendment, 52
 - U.N. Charter compared with, 1, 72
- Cooper, John Sherman, 159
- Corfu Channel case, 71
- Cortés, Hernán, 46
- Costa Rica, 95, 101

- Council of Europe, 47, 52
 Crime, detection and punishment, international co-operation in, 53
 Czechoslovakia, 111, 120, 127, 142, 148
- DAVIES, CLEMENT, Comment on Expanding the United Nations Community, 98-100
 DAYAL, RAJESHWAR, Comment on Expanding the United Nations Community, 100-101
 Declaration Regarding Non-Self-Governing Territories, *see* (U.N. Charter, chap. XI), 17, 56-57 (*passim*)
- Democracy
 human rights and the state under, 49-50
 in U.N., 87, 91-92
 in U.N. Charter review conference, 99
 Department of State (U. S.), and U.N. Charter revision, 151, 153, 155, 159
 Disarmament, 32, 33, 48, 77, 116, 118, 124-125, 126, 129, 130, 135
 See also Armament regulation; Disarmament Commission
 Disarmament Commission (U.N.), 10, 117, 126, 129, 130
 Discrimination, U.N. attitude toward, 49, 51
 Dispute settlement (U.N.), vii, 27-35, 68-69, 70-71, 76, 84, 87, 101, 108-109, 110-112, 154, 157, 160
 See also Collective security—U.N. system
 Domestic jurisdiction of states, 11, 13, 17, 19, 25, 36-37, 50-51, 54, 56, 59-60, 70, 72, 73-74, 87, 92, 95, 145, 154-155, 158
 See also State sovereignty
 Drummond, Eric, 131, 132, 135-136, 139
 Dulles, John Foster, 4, 48, 129, 149, 151, 152, 160
 cited, 2
 quoted, 12, 29, 94, 153
 Dumbarton Oaks conversations, 70
- EAGLETON, CLYDE, The Yardstick of International Law, 68-76
 Eagleton, Clyde, editor, 2
 East-West conflict, 5, 7, 9, 16-17, 21, 22-25, 37, 39, 41, 42, 44-45, 47, 48, 71, 75, 78-84, 88-89, 90, 92, 98, 103, 117, 123, 124, 128, 129-130, 147, 158, 162
 Economic and Employment Commission (U.N.), 37
 Economic and Social Council (U.N.)
 and Secretary-General, 131
 discussion of human rights, 108
 inertia of, 107
 structure and functions, 37-38, 39, 43, 54, 145, 154
 See also Commission on Human Rights; Commission on the Status of Women; Regional economic commissions; Technical Assistance Board; Transport and Communications Commission; United Nations Children's Fund
- Economic and social development
 and armament regulation, 40, 123
 and domestic jurisdiction of states, 154-155
 and national interest, 42, 44, 45, 80-81
 and political evolution, 58, 62
 as a human right, 53-54
 barriers to expansion of U.N. work in, vii, 17, 36-45
 Charter provisions concerning, 36
 General Assembly actions on, 108, 154
 international programs, advantages and disadvantages, 41-42
 relation to international peace, 19, 27, 36, 41, 58, 85-86, 87
 role of Secretary-General in, 131
 U.N. contribution to, 16-17, 27, 54, 137, 154
 See also Economic and Social Council; Technical assistance; Underdeveloped countries
- Economic Commission for Asia and the Far East (U.N.), 39, 94
 Economic Commission for Europe (U.N.), 39
 Economic Commission for Latin America (U.N.), 39
 Economic stabilization, 43-44, 137
 Ecuador, 40
 Egypt, 141, 144
 Eisenhower, Dwight D., 14, 121, 130
 quoted, 14, 16, 17-18, 153
 Engel, S., cited, 1, 5
 England
 international and colonial relations, 17th to early 20th century, 143-144
 See also Great Britain; United Kingdom
- Entente Cordiale, 144
 Entezam, Nasrollah, 32
 Ethiopia, 127
 Europe, 124
 effect of East-West conflict on, 23, 39
 international relations, 17th to early 20th century, 143-145
 regional organization in, 37-38, 39, 40, 44, 101-102
 representation in U.N., 5, 82, 99, 102, 115
 European Defense Community, 123
 European Payments Union, 37-38, 44
 Evatt, Herbert V., 32
 Export-Import Bank of Washington, 39, 42
- Fairman, Charles, cited, 51
 Far East, 39, 94, 110, 115
 Economic Commission for, 39, 94
 Fascism, 143
 Federal Bureau of Investigation, 134
 Feller, A. H.
 cited, 2, 96
 quoted, 68

Ferguson, Homer, 159
 FINKELSTEIN, LAWRENCE S., Comment on Improving the Policy-making Processes, 110-112
 Finland, 127, 128
 Fiscal Commission (U.N.), 37
 Food and Agriculture Organization (U.N.), 38
 Foreign exchange, 39-40, 44, 45
 Formosa, 123
 Four Freedoms, 47, 52-53, 105
 Fourteen Points, 144-145
 France, 102, 128, 143
 and armament regulation, 126, 128
 and Indochina, 79, 111
 and North Africa, 21-22, 25, 144
 and the Saar, 79
 colonial expansion in 19th century, 144
 commission for study of U.N. Charter revision, vii
 international relations in 17th and 18th centuries, 143, 144
 Francisco de Vitoria, cited, 46
 FRAZÃO, SERGIO ARMANDO, International Responsibility for Non-self-governing Peoples, 56-67
 French Revolution, 143-144
 Friedmann, W., Comment on Strengthening the Secretariat, 134-135
 Fujii v California, 51

 General Agreement on Tariffs and Trade (U.N.), 38, 44
 General Assembly (U.N.)
 and armament control plan, 119
 and Charter review, 2-4, 140, 141, 142, 147, 152, 159
 and constitutional questions, 72, 73
 and economic and social development, 37, 108, 154
 and human rights, 49, 51-52, 73, 108
 and international law, 71, 74, 88
 and non-self-governing peoples 7, 58-63 (*passim*), 65, 66
 and regionalism, 96
 and Secretary-General, 7, 131
 and Security Council, 5-6, 6-7, 20, 88, 108, 115-116, 158
 and specialized agencies, 38
 and U.N. privileges and immunities, 9
 Committees
 First (Political and Security), 33
 Second (Economic and Financial), 33
 Fourth (Trusteeship), 61, 64
 Fifth (Administrative and Budgetary), 132, 136
 Sixth (Legal), vii, 141-142, 147-148, 148-150
 debate on, advantages and disadvantages, 27-28, 30-31, 33, 108

Eisenhower speech on atomic energy pool, 14, 17-18, 121, 130
 Presidents, viii, 32-33, 35
 representation and voting procedures, 19, 29-30, 61, 75, 79, 82-83, 90, 92, 102, 107-108, 109, 114, 154, 160
 scope and powers of, 7-8, 13, 16-17, 27-29, 63, 75, 81-82, 88, 89, 107-109, 114, 116, 154-158
 subsidiary organs, 10-11, 28, 34, 63, 113
 See also Collective Measures Committee; Committee on Information from Non-Self-Governing Territories; Disarmament Commission; Economic and Social Council; Interim Committee; International Law Commission; Peace Observation Commission; United Nations Administrative Tribunal; United Nations Korean Reconstruction Agency; United Nations Relief and Works Agency for Palestine and the Near East
 voting procedures, *see above* representation and voting procedures
 See also Panel for Inquiry and Conciliation; "Uniting for Peace" resolution
 General Conference, *see* Charter review conference
 Geneva Conferences (1954), 99, 111
 Geneva Conventions, 46
 Genocide, 53
 Convention on the Prevention and Punishment of the Crime of (U.N.), 47, 48, 51
 Germany, 23, 79, 94, 115, 119, 123, 124, 126, 128, 143, 144
 Gillette, Guy Mark, 159
 Goodrich, L. M., cited, 1
 Graham, Frank P., 32
 Great Britain, 102, 128, 143
 and armament regulation, 124, 126, 128
 and Libya, 25
 and Palestine, 22
 in a Federation of Western Europe, 101-102
 Parliament, movement for world federal government-in, 99
 See also England; United Kingdom
 Great powers
 and armament regulation, 125-126, 128, 129, 130
 and armed forces for U.N., 5
 and Charter revision, 2, 3, 107, 109
 and General Assembly, 30, 108, 114
 concern with civil and colonial wars, 22, 24, 25, 79, 90-91
 failure to use U.N. peaceful settlement functions, 84
 harmony of, basis of U.N. Charter, 78, 81, 109, 112-113, 116, 140-141, 143, 145; 147, 148, 149, 158
 influence in U.N., 2, 5, 12, 18, 25, 78, 82-83, 86, 87-88, 92, 106, 107, 114, 149

Great powers (*cont.*)

war possibilities, 20-21, 83-84, 89

See also East-West conflict; Veto

Greek children dispute, 32

Greenland, 61

Griffith, Wallace H., 112

Gross, Ernest A., cited, 1, 13

Guatemala, 95, 101

Hague Conventions, 46

Hambro, E., cited, 1

Hammaraskjold, Dag, 132

HAVILAND, H. FIELD, JR., Improving the Policy-making Processes, 106-109

Headquarters Agreement, 4, 9

Hill, N. L., cited, 1

Hiroshima, 15, 124

Hitler, Adolf, 127

Hogan, W. N., cited, 1

Holland, Spessard L., 159

Holy Alliance, 144

Holy Roman Empire, 143

Hudson, Manley O., cited, 46, 51

Human rights

and state sovereignty, 17, 46, 47, 49-51, 69, 73, 74

Convention for the Protection of (Council of Europe), 47, 52

different types of, 52-54

diminished emphasis on, 17, 47-48

education in, 52, 54

history of, in international law, prior to U.N., 46-47

in U.N., vii, 16, 17, 47, 49-55 (*passim*), 73, 108

international conventions dealing with, 46

proposed covenant of (U.N.), 51

relativity of, 50

Senate subcommittee study on, 160

standards in, 48-50

Universal Declaration of (U.N. General Assembly), 47, 49, 51-52

Hungary, 52, 94, 115

Hydrogen bomb, 15, 18, 100, 124, 125, 129

Imperialism, 24, 67, 82, 143

India, 10, 94, 100, 101, 102, 107, 108, 109, 111

See also Kashmir

Indochina, 21, 22, 79, 99, 110, 111-112

Indonesia, 21, 22, 27, 40, 71, 109

Interim Committee ("Little Assembly") (U.N.), 8, 10-11, 30, 32, 33, 109

International Bank for Reconstruction and Development (U.N.), 38-45 (*passim*), 120

International Court of Justice (U.N.), 9, 12, 71, 72, 73, 119, 135

and armament control plan, 119, 120-121, 122

International criminal court, proposal for, 53

International Development Advisory Board (U. S.), 40

International Labor Conference, 57

International Labor Organization (U.N.), 38, 47

International law

and domestic jurisdiction of states, 50-51, 60

and human rights, 46-47, 50-51, 54, 69

and the colonial problem, 21-22, 56-58, 61

and U.N., 10, 16, 70-71, 74-75, 86, 88, 97-98, 155

effect of American and French Revolutions on, 143-144

weakness of, 69

International Law Commission (U.N.), 10, 74

International Materials Conference, 44

International Monetary Fund (U.N.), 38, 39, 43, 44, 45, 120

International Refugee Organization (U.N.), 38-39

International Telecommunication Union (U.N.), 38

Iran, 23, 122-123

Isolationism, 77-78, 111

Israel, 22, 24, 36

See also Palestine

Italy, 79, 143

colonies of, 107

U.N. membership for, 72, 94, 115

JACKSON, ELMORE, Developing the Peaceful Settlement Functions of the United Nations, 27-35

Japan, 143

and U.N. membership, 94, 115

mutual defense treaty with U. S., 10, 80

rearmament, 123, 126-127, 128

Jessup, Philip, quoted, 110

Johnson, Howard C., cited, 95

Kardelj, Edvard, quoted, 91

Kashmir, 21, 24, 27, 32, 71, 79

Kellogg-Briand Pact, 127

Kelsen, Hans, cited, 1, 4

Kennan, George F., cited, 96

KEY, DAVID MCKENDREE, United States Planning for Charter Review, 151-155

Key, David McKendree, cited, 106

KHALIDY, AWNI, Comment on Strengthening the Secretariat, 135-137

Klemmer, Raymond J., 112

Knowland, William F., 159

Korea, Republic of (South Korea), 6, 10, 21, 90, 91, 111

Korean War, 6, 7, 8, 15-16, 21, 23-24, 32, 36, 77, 79, 80, 88, 89, 90-91, 92, 99, 103, 104,

105, 107, 110-111, 112, 113, 128, 132

See also "Uniting for Peace" resolution

Kutner, Luis, cited, 52

- Laniel, Joseph, 14
 Laos, 25
 Latin America, 5, 40, 101-102, 108, 142
 Economic Commission for, 39
 Lauterpacht, Hersch, cited, 50
 League of Nations
 and international law, 70, 71
 armament reduction plans of, 127
 colonial rights under, 57, 58, 60-61, 65
 human rights under, 46-47, 50
 secretary-general, 31
 See also Drummond, Eric
 Soviet Union in, 128, 145
 weakness of, 145, 149
 Libya, 25, 94
 Lie, Trygve, 131-132, 134, 138
 LINCOLN, G. A., Comment on Improving the
 Policy-making Processes, 112-114
 Lipsky, George A., editor, 96
 "Little Assembly," *see* Interim Committee
 Locarno Pact, 127
 Lodge, Henry Cabot, Jr., 48, 103, 151, 160
 Loveday, A., cited, 37
 Loyalty investigations and standards, in U.N.
 Secretariat, 134-135

 MACKAY, R. W. G., Comment on Expanding
 the United Nations Community, 101-102
 Mackay, R. W. G., cited, 106
 Manchuria, 127
 Mandates, League of Nations system, 47, 57
 Manner, George, cited, 46
 Mansfield, Michael J., 159
 Marshall, George C., quoted, 49
 Martin, A., cited, 1
 Mates, Leo, 33
 Mathiot, A., cited, 57
 Membership (U.N.)
 extension of
 desirability of, discussed, vii, 93-94, 98, 99,
 100-101, 103, 105, 115, 123, 153-154,
 157, 158
 procedures for, 6-7, 12, 72, 94, 96, 97,
 103, 115, 154
 from viewpoint of national interest, 76, 77-
 84
 Senate subcommittee study on, 160
 withdrawals and exclusions, desirability of,
 discussed, 45, 76, 103, 106, 108, 112, 115,
 153, 161
 Middle East, 5, 101, 102
 MIKESSELL, RAYMOND F., Barriers to the Ex-
 pansion of United Nations Economic
 Functions, 36-45
 Mikesell, Raymond F., cited, 44
 Mindszenty, Joseph, 52
 Minorities, cultural autonomy for, 53, 54
 Molotov, V. M., 130, 149
 Monroe Doctrine, 144

 MORGENTHAU, HANS J., The Yardstick of Na-
 tional Interest, 77-84
 Morgenthau, Hans J.
 cited, 2, 79, 81, 83, 96, 97, 99, 106
 quoted, 97
 Morocco, 17, 22, 144
 Morozov, P. D., statement on Soviet policy
 toward revision, quoted, 147-150
 Mussolini, Benito, 127

 Napoleon I, 144
 National interest, viii, 41, 44, 45, 69-70, 77-
 84, 85, 96, 106, 110
 See also Domestic jurisdiction of states;
 State sovereignty
 National liberation and nationalism, 21, 23,
 24-25, 54, 86, 90, 92, 111
 See also Colonialism and colonial powers,
 Self-determination
 Nazis and Nazism, 47, 143
 Nehru, Jawaharlal, 21
 Netherlands, the, 128
 and Indonesia, 21, 22, 71, 74
 on preparation for Charter revision, 141
 Neutralism, 42, 94, 95, 100, 103, 111
 New Zealand, ANZUS Pact, 10, 96
 Nicaragua, 95
 Niemeyer, Gerhart, cited, 95
 Non-self-governing territories and peoples, vii,
 7, 16, 17, 25, 51, 52, 53, 54, 56-67, 85, 94,
 100, 106, 107, 142, 146, 158
 North Africa, 25, 144
 See also Libya; Morocco; Tunisia
 North Atlantic Treaty (Atlantic Pact), 1, 2-3,
 4, 9-10, 12
 North Atlantic Treaty Organization, 12, 25,
 37-38, 80, 95, 96, 98, 103, 104, 108, 157
 North Korea, 8, 21, 24, 90, 91, 107, 111

 Organization for European Economic Co-
 operation, 37-38, 40, 44
 Organization of American States, 95, 101
 Ottoman Empire, 143, 144

 Pacific Security Treaty, *see* ANZUS
 Padilla Nervo, Luis, 30, 32, 33
 Pakistan, 10, 40, 109
 See also Kashmir
 Palestine, 10, 22, 27, 34, 36, 38-39, 77, 107,
 109
 Palmer, Norman D., editor, 96
 Panama, 149
 Panel for Inquiry and Conciliation (U.N.),
 31-33, 35
 Peace Observation Commission, 8
 PEARSON, LESTER B., Comment on Expanding
 the United Nations Community, 102-104
 Pearson, Lester B., 30, 32

- Permanent Court of International Justice, 121
 Philippines, 15, 94, 100
 mutual defense treaty with U. S., 10
 Point Four Program, 17, 43
 Poland, 72, 127, 142, 148
 Portugal, 94
 Preuss, Lawrence, cited, 51
 Propaganda, in U.N., 84, 103, 113
 Public opinion
 and human rights, 47, 48-49, 54-55
 education of, on U.N., 104
 Puerto Rico, 62

 Race relations, in South Africa, 17, 49
 Rao, Vicente, 64
 Realism in politics, 69-70, 96-100 (*passim*),
 127, 128-129
 Regional economic commissions (U.N.), 39-40,
 94
 Regionalism and regional organizations, 9-10,
 25, 37-38, 39-40, 45, 88, 93, 94-96, 97-98,
 99, 101-102, 103-104, 113, 142, 154, 157,
 158
 See also North Atlantic Treaty Organization
 Relief and rehabilitation, emergency, 38-39
 Revolutionary War, 143-144
 Rio Treaty, 9-10
 ROBINSON, JACOB, Comment on Strengthening
 the Secretariat, 137-138
 ROMULO, CARLOS P., Strengthening the
 United Nations, 14-19
 Romulo, Carlos P., cited, 106
 Roosevelt, Franklin D., 47, 52-53
 Rudzinski, Aleksander W., cited, 49, 50
 Rumania, 52, 94
 Russia, international relations, 143, 144
 See also Soviet Union

 Saar, the, 79
 San Francisco Conference, 1, 2, 4, 9, 15, 113,
 157, 158
 and definition of aggression, 71
 and domestic jurisdiction of states, 73-74
 and international law, 70-71
 and non-self-governing peoples, 56-59 (*pas-*
 sim), 62-65 (*passim*), 67
 collaboration of great powers at, 140-141,
 143, 145
 discussion of Charter review conference, 3,
 152
 documentation of, vii, 147
 failure to provide for Charter interpretation,
 72
 Security Council discussed at, 5-8 (*passim*)
 small nations at, 107, 149
 San Stefano, Treaty of, 144
 SAYRE, WALLACE S., Comment on Strengthen-
 ing the Secretariat, 138-139
 Scelle, Georges, cited, 57

 Secretariat (U.N.), viii
 and armament control plan, 119
 and specialized agencies, 133, 137, 138
 balance of centralization and decentraliza-
 tion, 132
 bureaucracy in, 139
 effectiveness of, vii
 field work, 132, 133, 137
 geographical distribution in, 133, 136
 loyalty standards and investigations, 134,
 135
 political appointments, 133
 reorganization, 132, 133
 research, 132, 137-138
 Secretary-General's administrative role in,
 131, 132
 size, 131, 136
 staff morale, 133, 134, 135
 tenure, 133, 134-135
 See also Secretary-General
 Secretary-General (U.N.)
 administrative role, 131-132, 135-136, 138-
 139
 and Panel for Inquiry and Conciliation, 32-
 33
 and staff appointments and dismissals, 134-
 135
 intelligence service for, 132-133, 136
 on law and U.N., 68
 political role, 7, 31, 35, 131-132, 135-136,
 138-139
 preparation of repertory of the practice of
 U.N. organs, vii, 30, 141, 142, 147-148, 159
 recipient of information on non-self-govern-
 ing territories, 62
 research director for, 138
 role in Korea, 7, 132-133
 See also Hammarskjöld, Dag; Lie, Trygve;
 Secretariat
 Security Council (U.N.)
 and armament control, 16, 116, 119-122
 (*passim*), 129
 and General Assembly, 8, 20, 60, 88, 107,
 108, 114, 115-116, 158
 and Interim Committee, 11
 and legal issues, 71, 72-73
 and maintenance of peace, 5, 8, 15-16, 20,
 28-31 (*passim*), 33-35, 71, 87-89, 92, 101,
 109, 113, 114, 116, 154
 and Panel for Inquiry and Conciliation, 31,
 32, 33
 and Secretary-General, 7, 31, 131, 133
 function in Charter revision, 2, 3, 4, 140
 functions and structure of, based on great-
 power harmony, 8, 78, 81, 109, 113, 114,
 116, 140-141, 147, 148, 149
 membership, 5, 13, 92, 102, 154
 President, 33, 72-73
 procedural questions, 6-7, 109
 repertory of experience, 30

- subsidiary organs, 10, 11, 34
 - See also* Atomic Energy Commission; Collective Measures Committee; Disarmament Commission
- voting procedures, 6-7, 79, 89, 92, 109, 114, 154
 - See also* Veto
- Self-determination, 49, 50, 53, 54, 57, 66, 74, 145
 - See also* National liberation and nationalism
- Sellin, Eric, translator, 140
- Senate (U. S.)
 - appropriations for U. S. participation in U.N., 157
 - Committee on Foreign Relations, Subcommittee on the United Nations Charter, vii, 1, 29, 48, 149, 151, 152, 159-162
 - constitutional responsibility for Charter review, 156-157, 158
 - members at San Francisco, 157
 - ratification of U.N. Charter, 157
 - recommendations of Thomas subcommittee, 48
 - resolutions concerning U.N., 34, 149, 154, 157-158
- Sharp, W. R., cited, 43
- Shawcross, H., cited, 1
- Slessor, John C., quoted, 119
- Smith, J. W., translator, 20
- Socialism, 145
- SOHN, LOUIS B., Comment on Improving the Policy-making Processes, 114
- Sohn, Louis B., 117
 - cited, vii
- Somaliland, 94
- South Africa, 17, 27, 49, 52, 73, 74, 76
- Southeast Asia, 23, 25, 101, 102
- Soviet bloc, 22, 42, 45, 90-91
 - in U.N., 5, 11, 25, 37, 41, 45, 72, 75, 82, 107, 129, 153
 - See also* East-West conflict
- Soviet Union, 102, 143
 - and armament regulation, 118, 120, 122-130 (*passim*), 155
 - and Charter violations, 11, 13, 73, 142, 152
 - and human rights, 47, 52, 53
 - and Indonesia, 22
 - and League of Nations, 128, 145
 - and the veto, 141, 148, 152
 - and U.N. decision on Korea, 6, 15-16
 - and U.N. membership increase, 94, 154
 - desirability of continued U.N. membership, 103, 106, 108, 112, 115, 153, 161
 - influence in U.N., 106, 115, 158
 - See also* Great powers—in Security Council and influence in U.N.
 - labor camps and war prisoners, 49, 52
 - nonautonomous territories in, 25
 - policy on Charter revision, viii, 109, 128, 142, 147-150
 - sense of community and government in, 101
 - See also* East-West conflict; Soviet bloc
- Spain, 73, 74, 107, 115, 143
- Sparkman, John, 159
- Special Committee on the Question of Defining Aggression (U.N.), 10
- Special United Nations Fund for Economic Development, 17, 33, 40-41
- Specialized agencies (U.N.), 157, 158
 - activities of, co-ordinated by ECOSOC, 37
 - agencies preceding U.N., 38
 - Charter provision for, 36
 - contributions of, 17, 54, 145
 - effect of cold war on, 41, 42, 44, 45, 81
 - effect on Charter change, 4, 10-11
 - example of multilateral treaty, 119
 - field and research work, 133, 137, 138
 - membership in, 94
 - needed change in organization and co-ordination, 37, 38, 154
- Senate subcommittee study on, 160
- size, 133
 - See also* Food and Agriculture Organization; General Agreement on Tariffs and Trade; International Bank for Reconstruction and Development; International Labor Organization; International Monetary Fund; International Refugee Organization; International Telecommunication Union, United Nations Educational, Scientific and Cultural Organization; Universal Postal Union; World Health Organization
- SPENDER, PERCY C., Comment on International Control of Armaments, 129-130
- Stalin, Joseph, 80, 127
- State sovereignty
 - and IBRD, 41-42
 - and individual rights, 17, 46, 47, 49-51, 73, 74
 - and international law, 69, 76
 - and U.N. Charter, 2, 12-13, 18, 19, 20, 60, 64, 65, 66, 74, 87, 145
 - and U.N. Special Committee on the Balkans, 11
 - and weak powers, 17th to 19th century, 144
 - right of self-defense, limitation of, 88
 - See also* Domestic jurisdiction of states
- Stowell, Ellery, cited, 46, 51
- Subsidiary organs (U.N.), *see* General Assembly—subsidiary organs; Security Council—subsidiary organs
- Supreme Court (U. S.), 52, 72
- Swift, R. N., editor, 2
- Syria, 150
- TARAZI, SALAH EL DINE, The Risks of Revision: Appraisal of United Nations Preparations for Charter Review, 140-146
- Technical assistance, 17, 27, 38, 42-43, 49, 80-81, 137

- Technical assistance (*cont.*)
See also Technical Assistance Board
- Technical Assistance, Expanded Program of (U.N.), 17
- Technical Assistance Board (U.N.), 38, 41, 42, 45, 133
- Tenure, in U.N. Secretariat, 133-135
- Thailand and Thai people, 25
- Thomas, Albert, 131, 138
- Tibet, 21
- Tojo, Hideki, 127
- Traber, Oscar W., Jr., 112
- Trade
 and armament control, 123
 and regional organizations, 39-40, 44, 45
 East-West, 77, 123
 embargo, 8, 107
 stabilization of, 43
- Transport and Communications Commission (U.N.), 74
- Transportation
 and regional organizations, 40
 modern means of, significance, 23
- Treaties
 and state sovereignty, 51
 limited effectiveness of, 117, 127-128, 129
 supplementing U.N. Charter, 4, 8-10, 51, 80, 119-120, 125-126
See also Regionalism and regional organizations
 U.N., drafting of, 74-75
 U.N. Charter as a treaty, 51, 71-72, 76
- Trieste, 79
- Trusteeship Council, 63, 72, 94, 107, 131, 146, 154
- Trusteeship system (U.N.), 16, 17, 27, 51, 52, 57, 59, 64, 77, 94, 100, 142, 146, 158, 160
See also Non-self-governing-territories and peoples; Trusteeship Council
- Tunisia, 17, 22
- Ukrainian Soviet Socialist Republic, 148
- Underdeveloped countries, 17, 40, 41, 45, 49, 54, 85, 98, 106, 107, 145
See also Economic and social development; Technical assistance
- United Kingdom, and drafting of U.N. legal documents, 74
See also Great Britain
- United Nations, Convention on the Privileges and Immunities of the, 9, 122
- United Nations Administrative Tribunal, 134, 135
- United Nations Children's Fund (UNICEF), 38-39, 109
- United Nations Commission for India and Pakistan, 10
- United Nations Commission for the Unification and Rehabilitation of Korea, 10, 11
- United Nations Conciliation Commission for Palestine, 10
- United Nations Declaration (Jan. 1942), 47
- United Nations Educational, Scientific and Cultural Organization (UNESCO), 38, 52
- United Nations International Children's Emergency Fund, *see* United Nations Children's Fund
- United Nations Korean Reconstruction Agency, 36, 38-39
- United Nations Relief and Rehabilitation Administration (UNRRA), 39
- United Nations Relief and Works Agency for Palestine Refugees in the Near East, 36, 38-39
- United Nations Special Committee on the Balkans, 10, 11
- United States, 143
 aggression against China, 107
 and armament regulation, 118, 119-120, 123, 124, 126, 127, 128
 and Charter review, vii, viii, 4, 13, 30, 109, 110, 114, 147, 148-149, 151-162
 and Charter violations, 13, 73, 147, 149
 and human rights, 47, 48, 49, 51, 52, 53
 and Indochina, 110, 111
 and Indonesia, 22
 and Korean War, 23, 110-111, 113
 and OEEC, 40
 and U.N. economic development programs, 40-41, 42
 and U.N. privileges, immunities, and headquarters, 4, 9
 as superpower core of opposition to Communism, 81-83
 control of IMF, 44
 desirability of continued U.N. membership, 106, 115, 153
 dominance of IBRD, 41-42
 faith in institutional change, 112
 foreign aid program, 17, 42-43, 45, 80-81
 foreign policy, 79-80, 111, 127-128, 144-145, 156-158, 161
 influence in U.N., 82-83, 106, 107, 115
See also Great powers—in Security Council and influence in U.N.
 legislation on participation in U.N., documentation of, 160
 loyalty requirements and investigations for U.N. employees, 134
 mutual defense treaties, 10, 80, 157
See also ANZUS
 position at San Francisco on non-self-governing territories, 62, 63
 public opinion in, on U.N., 99, 153, 161-162
 sense of community and federal government in, 101
See also Constitution; East-West conflict; Export-Import Bank; Senate

- "Uniting for Peace" resolution (U.N.), 8, 16, 28, 29, 34, 88, 89, 90, 103-104, 112, 154
 Universal Postal Union (U.N.), 38
- Vandenberg resolution (U. S.), 34, 149, 154, 157-158
 Vandenbosch, A., cited, 1
 VAN WAGENEN, R. W., Expanding the United Nations Community, 93-97
 Veto (Security Council), 6-7, 11, 12, 13, 18, 19, 20, 34, 71, 78, 86, 88-89, 90, 92, 94, 96, 97, 98, 101, 103, 106, 109, 115, 120, 129, 140, 141, 149, 152, 154, 157, 160
 Vienna, Congress of (1815), 144
 Vietnam, 22, 111
 Vietnam, 25
 Viner, Jacob, cited, 43
- Wallich, H. C., cited, 43
 War crimes trials, 47, 53
 Weighted voting, 19, 29-30, 38, 107, 109, 114, 120, 154
 Westphalia, Treaty of, 143
 WILCOX, FRANCIS O., How the United Nations Charter Has Developed, 1-13
 Wilcox, Francis O., cited, 158
- WILEY, ALEXANDER, The Senate and the Review of the United Nations Charter, 156-162
 Wiley, Alexander, 151, 159
 Wilson, Woodrow, 144-145
 Women, Convention on the Political Rights of (U.N.), 48
 World government, 12, 19, 99-100, 101-102, 146
 World Health Organization (U.N.), 38
 World War I, 83, 85
 World War II, 78, 81, 83, 85, 111, 119, 124, 142, 145
 WRIGHT, QUINCY, Human Rights and Charter Revision, 46-55
 Wright, Quincy
 cited, 47, 50, 51, 53
 quoted, 96
- YANG, YOU CHAN, Comment on Expanding the United Nations Community, 104-105
 YOUNGER, KENNETH, Comment on Improving the Policy-making Processes, 115-116
 Yugoslavia, 23, 72, 79, 88, 89, 90, 91
- Zarubin, Georgi N., 130



NEW!

AMERICAN CONSTITUTIONAL LAW: INTRODUCTORY ESSAYS AND SELECTED CASES

By **ALPHEUS THOMAS MASON** and **WILLIAM M. BEANEY**, Princeton University

This new type of casebook contains over 100 selected cases *plus* lucid introductory essays that provide historical background for each case. The clash of political and social ideas characterizing leading constitutional decisions is pointed up with unique effectiveness by the representation, for every major case, of concurring and dissenting opinions. Special attention is devoted to outstanding dissenting opinions which have replaced, or exerted strong influence on, later decisions.

672 pages . . 6" x 9" . . Published Fall

TODAY'S ISMS: COMMUNISM, FASCISM, CAPITALISM, SOCIALISM

By **WILLIAM EBENSTEIN**, Princeton University

Outstanding Features:

1. **Broad Approach**—Each of the major issues is analyzed as a way of life, with consideration of economic, political, social and cultural factors and a clear examination of the psychological roots of each system.
2. **Integration of Doctrines and Policies**—The key ideas of each ism are carefully related to and illustrated by recent and current world events and are examined for their complex effect on national policies and ways of life.
3. **Historical Background**—Sufficient historical background is included in the text to make clear the ideas and forces out of which today's isms have evolved.

Paperbound . 192 pages . 5 $\frac{5}{8}$ " x 8 $\frac{3}{8}$ " . Published Fall 1954

For approval copies write:

PRENTICE-HALL, INC., 70 FIFTH AVE., NEW YORK 11, N.Y.

Kindly mention THE ANNALS when writing to advertisers